SENATE-Wednesday, July 22, 1992

(Legislative day of Monday, July 20, 1992)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Acting President protempore [Mr. KERREY].

The ACTING PRESIDENT pro tempore. Today's prayer will be offered by guest chaplain Rev. John T. Porter, Sixth Avenue Baptist Church, Birmingham, AL.

PRAYER

The guest chaplain, the Reverend Dr. John T. Porter, Sixth Avenue Baptist Church, Birmingham, AL, offered the

following prayer:

O Lord, Our God, Creator of the heavens and Earth, giver of every good and perfect gift; we humbly beseech Thee, as we enter into these legislative proceedings, to give all glory and praise to Thee. Thou hast blessed us with a good land in which to live and we gather once again to be reminded of the responsibility that is ours to continue to build upon the noble foundations laid by the Founding Fathers of our country. We acknowledge our dependence on Thee and pray for Thy presence and the guidance of Thy Spirit.

O God of love, grant us wisdom, in our time, to build a world of peace and prosperity, kindle, we pray Thee, in the hearts of all men the true love of peace. Give us a mind to bring to pass the prophecy, "They shall beat their swords into plowshares and their spears into pruning hooks, and study war no more." Strengthen we pray, the United Nations and their efforts around the world to achieve a global peace. We lift up to You, O Lord, the plight of the inner cities as they desperately attempt to address the needs of the poor and downtrodden.

Send Your divine blessings upon Thy servants, the President of the United States, his Cabinet and advisers, and the Members of this august legislative body that plays an all important role in the life of this Nation, the U.S. Senate. Grant unto them, we pray, the strength and wisdom to exercise the authority entrusted to them, and may they be willing followers of Thee and

servants of Thy people.

Grant us a common faith that the people of the world will know peace and justice, freedom and security, and have the opportunity to be the best that they can be.

Hear our prayer, O Lord, and grant us

this petition. Amen.

Mr. HEFLIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

GUEST CHAPLAIN DR. JOHN T. PORTER

Mr. HEFLIN. Mr. President, I want to share with my colleagues a little about the life and background of our distinguished guest chaplain this morning. Since 1961, the Reverend John T. Porter has been the pastor of Birmingham, AL, Sixth Avenue Baptist Church, one of our State's largest congregations. Prior to that, he was pastor of the First Institutional Baptist Church in Detroit, MI. He is married to Dorothy Rogers Porter-who I might say has one of the finest soprano voices that I have ever heard. They are blessed with four children: Jon Roderick, Mark, Mia, and Robert Porter. Jon Roderick is the minister of music at his father's church.

Dr. Porter began his collegiate studies at Alabama State University in Montgomery, where he received his bachelor of science degree. He later received his masters of divinity degree from the Morehouse College School of Religion in Atlanta, GA. Daniel Payne College and Miles College, both located in Birmingham, have granted him honorary doctor of divinity degrees.

The Reverend John Porter is not only a devoted pastor, but also an eager participant and enthusiastic participant in civic affairs. He is a member of Samford University's board of trustees; a member of the board of directors of the Morehouse School of Religion; and an active member of the Birmingham Ministerial Association. He also sits on the board of directors for the Civil Rights Institute in Birmingham.

Previously, Reverend Porter was a member of Alabama's State Board of Pardons and Parole and for a time served in the Alabama State House of

Representatives.

I might say that it is quite infrequent that we might have as a guest chaplain a former legislator who would have a real background and working knowledge of the legislative process.

Earlier this year, he was the recipient of the Brotherhood Award and the National Conference of Christians and Jews Distinguished Service Award.

I am happy to join my colleagues in welcoming Dr. John T. Porter as our guest chaplain. He is a dedicated and energetic spiritual leader whose church, community, and State are extremely fortunate to have as their own.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Mr. President, is leader time reserved?

The ACTING PRESIDENT pro tempore. Leader time is reserved.

TRIBUTE TO KEVIN SAUNDERS

Mr. DOLE. Mr. President, I rise today to pay tribute to Kevin Saunders, a native Kansan and a world-class athlete, who set a new world record this past weekend in the pentathlon event at the U.S. Paralympic Trials in Salt Lake City, UT. Kevin scored 4,249, points shattering the existing record of 4,160 by 89 points.

The pentathlon includes the shot put, javelin, 1,500-meter and 200-meter races and I am proud to say that this talented Kansan will be representing the United States on the United States Paralympic team in Barcelona, Spain,

in early September.

Paralyzed 11 years ago in a grain elevator explosion, Kevin is an inspirational young man who has overcome adversity and beaten all the odds to become one of the premier athletes in the world.

When I think of determination and leadership, the name Kevin Saunders certainly comes to mind. He is truly a remarkable person and a sensational role model for America's youth.

Kevin is founder of the Wheelchair Success Fund, developed to give other wheelchair-bound individuals the support they need to contribute to their communities and reach their fullest potential. Kevin's altruism does not stop there. Even with his rigorous Olympic training schedule, Kevin has toured nationwide spreading his message of strength and hope.

As Kevin Saunders continues to reach new highs, I know my colleagues will join me in saluting him as he goes

for the gold.

Mr. President, I reserve the remainder of my time and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so or-

pore. Without objection, it is so or dered.

This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:15 with Senators permitted to speak therein for up to 5 minutes each.

The Senator from South Dakota [Mr. PRESSLER] is recognized to speak for up

to 10 minutes.

OBSERVATIONS ON VISIT TO NINE FORMER SOVIET REPUBLICS AND LATVIA

Mr. PRESSLER. Mr. President, I have just returned from a visit to nine countries of the former Soviet Union: Russia, Kazakhstan, Uzbekistan, Kyrgyzstan, Turkmenistan, Georgia, Moldova, Ukraine, and Belarus. I also

visited Latvia.

Yesterday, I spoke on some of my conclusions regarding the freedom support bill that is before the Congress at this time. I did vote for the freedom support bill but upon visiting many of the countries. I have become convinced that there should be more conditions placed on American tax dollars' aid. I did not see the kind of movement toward democracy, human rights, and free enterprise that I would like to see in some of the countries I visited. Before I begin my statement on conditions I found in Moldova and the Baltic States and what United States policy should be, let me sum up a few conclusions from our delegation's visit.

My first conclusion is that the Russian troops should leave the territory of the former Soviet Republics. I offered an amendment to the Freedom Support Act regarding Russian troops in the Baltic States. The Senate also adopted my amendment on Russian troops that are still in Moldova. President Yeltsin should keep his word and

remove these troops quickly.

As I pointed out yesterday, our delegation visited one of the Russian bases where foreign troops are stationed. The commanders at Skrunda said they expect to remain for 10 or 15 years, contrary to what Yeltsin announced that they would be moving out next year. So long as Russian troops remain on foreign soil, American taxpayers will be indirectly subsidizing Russian troops in independent foreign countries, after they have been asked to leave.

Second, many states of the former Soviet Union are governed by governments elected in one-party elections in 1990. They should hold new elections as

soon as possible.

Third, I mentioned in my speech on the floor yesterday that the concept and practice of democracy in many newly independent places has not moved forward. Leaders are the same old Communist leaders in new roles. For example, their idea of an election is a one-party election. In one country I went to, Uzbekistan, opposition party leaders had been beaten up. Aside from the Baltic States, there is much, much room for improvement in terms of democratic procedures. Our embassies and our AID missions should be advocates for the principles that the people in this country believe in if we are to give them aid.

My fourth conclusion is that the more things change, the more they remain the same. Pictures of Lenin and Marx still are evident where former Communist party officials can be found in the government and in business. I found in each of the countries that the leadership still has statues and pictures of Lenin and Marx except in the Baltic States and almost as though communism is going to return. I cannot say we can demand people take down statues of Lenin or Marx, but I find it passing strange that a company that is to be supposedly privatized has a manager's office with Lenin and Marx on the wall when a U.S. Senator visits

Privatization and development of

free enterprise are too slow.

Democratic institutions need to be encouraged. CSCE principles, free press, assembly and free speech need to be practiced by leaders who merely

give them up-service.

Mr. President, yesterday the Foreign Minister of Bosnia-Hercegovina in Washington made a passionate plea to the Senate Foreign Relations Committee for the United States to realize that the fighting in the former Yugoslavia is not an interethnic conflict but a war for power, hegemony, and control on the part of Serbia. Unfortunately, a similar disinformation campaign is emanating strongly from Moscow to justify that the Russian Army must remain in Moldova and the Baltic States to protect the Russian minority.

Mr. President, I have recently visited Moldova and Latvia and I know that the current secessionist movement in Moldova and Russian territorial claims in Estonia are not the result of ethnic animosity—real or perceived—but an excuse on the behalf of some in Russia to hold onto territory ad infinitum.

Just as force is not acceptable in the former Yugoslavia to change borders against CSCE principles, force or the threat of force is not acceptable in Moldova or the Baltic States. The only way to achieve peace in Moldova and to prevent conflict in the Baltic States is for the Russian Army to declare itself neutral and to leave the foreign countries they still occupy as soon as they can pack their bags.

Mr. President, Moldova and Latvia may not seem to have a lot in common at first glance but much of their histories and some of their current problems are shared. Both territories were invaded by the Soviet Union in 1940 in fulfillment of the terms of Stalin and Hitler's secret agreement to divide Europe into spheres of influence.

Today, both are faced with the remnants of Stalin's world—including a disastrous economic situation and dispersed ethnicities. However, the greatest danger to both governments is the continued presence of the former Soviet Army on their territories.

Mr. President, the current fighting in Moldova led by the Communist movement in Transdniestria could have been avoided if the Soviet Army and now the Russian Army had not taken the side of the separatists under the false guise of protecting the Russian minor-

itv.

After my visit to both countries, I feel that it is vital that the U.S. State Department take a strong and principled stand against the presence of foreign army troops, the former occupiers. By taking a firm stand, the United States will let militant leaders know that force cannot be used and that countries cannot be cut up or disbanded by military action without recourse or denial of benefits such as U.S. Government assistance.

For this reason, I believe that conditions should be placed on assistance to Russia that Russian troops will lead to the removal of Russian troops. The removal of troops will help Russia and help President Yeltsin by leading to a reduced role for the Russian military in politics in Russia and reduced Rus-

sian defense spending.

Mr. President, I shall focus a bit on the time I spent in Moldova.

MOLDOVA

When in Moldova, I was told by the President of Moldova, Mircea Sengur that Russian President Yeltsin agreed to negotiate withdrawal of Russian forces from the Transdniestria region, one day after the Senate adopted an amendment calling for immediate withdrawal of the 14th Army from the conflict in Moldova. The Russians have kept the 14th Army still in Moldova even though it is still an independent country.

Obviously, Congress can make a difference. If we are quiet on the issue of troop removal the troops will not leave where they do not belong. If we take a strong stand, our goals will be met.

That is why I think the United States is in a unique position of leader-ship at this time to take a stand for democracy, for human rights, for free enterprise, and also for these countries to be independent without the presence of

foreign troops.

During my visit, I met with the Chairman of the Moldovan Parliament, Dr. Alexandru Mosanu. Dr. Mosanu is an intelligent man and an astute politician. During our meeting, he outlined the importance of Moldova not becoming too aligned with Russia, including membership in the Commonwealth of Independent States. After our conversation, it appears clear to me that the Russian Government is using Moldova's nonmembership in the CIS

as a reason not to seek peace in the conflict of Moldova. Mr. Mosanu is absolutely right. His wise comments were echoed by Mr. Valeriu Matei, the chairman of the Mass Media Committee of the Parliament, who explained the illogic of Moldova joining the CIS given its historical ties to Romania and the West. I also met with Mr. Vasile Nedelciuc, the chairman of the Foreign Relations Committee of the Parliament. I thank them for their wise insights.

RUSSIANS GAIN VETO OVER MOLDOVAN SOVEREIGNTY

As our delegation was leaving the Chisinau Airport last week, we were told that Russian Vice President Alexander Rutskoy had just arrived in a plane owned by an American joint venture company. Our Moldovan hosts speculated the visit was on the issue of Russian troops in the country.

News reports now seem to confirm that speculation. Moldovan President Mircea Snegur has apparently agreed to limit Moldova's sovereignty by tying the future of the Transdniester region of Moldova to any decision about joining Romania in a political union.

According to reports, President Snegur agreed that if Moldovans voted to rejoin Romania—in effect reversing the Hitler-Stalin pact that created Moldova during World War II—Transdniestria would have the right to succeed because it has a majority of Russian speaking citizens.

Mr. President, the truth is that most Moldovan industrial capacity is in the Transdniester region. Keeping the region as an integral part of Moldova is, therefore, a central economic key to Moldovan's economic success.

If reports are accurate, this political deal verifies the reasons Russian troops wish to remain on foreign soil. It could encourage a dangerous pattern that could be repeated in Georgia or even in Lithuania, Latvia, and Estonia. As a potential precedent, the Snegur-Yeltsin agreement is a very bad deal.

Will might make right in the post-Soviet period? The presence of the Russian 14th Army and Armed Forces allegedly not loyal to Russia, yet claiming independence for Russian citizens in the Transdniester region and the willingness to use those forces brutally against the citizens of Moldova results in an inevitable conclusion. Russian military muscle is being used or threatened to be used to bully newly independent states, and particularly victims of the Hitler-Stalin pact like the Baltic States and Moldova, into following policies highly favorable to the Russian Federation and its military officer corps.

The Moldovan-Russian agreement has another very disturbing aspect. A true cease-fire, followed by disarmament of Transdniestria and total withdrawal of Russia's 14th Army is the ideal in the region. However, the agreement by the two heads of state envisions so-called peacekeeping forces of the Commonwealth of Independent States [CIS] with a heavy Russian presence.

The solution in Moldova that is consistent with self-determination, independence, and sovereignty would include international peacekeeping observers—possibly from the United Nations or the Conference on Security on Cooperation in Europe—as I called for in my visit to Moldova. It would also include complete withdrawal of foreign forces.

Mr. President, in the name of protecting Russian citizens placed in Moldova and the Baltic States as agents of the former Soviet Union, Russian forces have been quick to fight. Their willingness to confront newly independent governments and the presence in the new governments of many former high officials of the Communist party creates a toxic mix for the future of independent states that the United States and CSCE should resist vigorously.

New elections in Moldova and elsewhere to replace the 1990 one-party governments loaded with ex-Communists remains essential.

I urge the United States to send non-Russian, non-CIS military observers to Moldova to protect the right of the people of Moldova to exercise self-determination.

I also met with Iurie Rosca, the President of the Executive Committee of the opposition Christian Democratic Popular Front. The role of the Popular Front of Moldova in the development of human rights and political freedom is key. The Popular Front was the organization, working with the Popular Fronts of the Baltic States, that worked toward freedom from the Soviet Empire. It was the Popular Front that organized the first demonstrations against Soviet power in Moldova exposed its evils, and that has given the present government many of its positions.

Mr. Rosca highlighted the importance of Moldova not to join the CIS. He expressed curiosity as to why Moldova should join the CIS when it is CIS forces that have contributed to the bloodshed in Transdniestria and when Moldovan men and women have had to die to protect their freedom. I agree with his assessment. Mr. Rosca also called for the release of all prisoners, many from his political party, that remain in captivity on the left bank.

It is my sincere hope that his party and others in Moldova will be able to remain a vital force to create a pluralistic, representative democracy in Moldova.

Coming from a farm community, I felt it was vital to visit some of the farmlands in Moldova. I visited a factory producing wines from the fertile

vineyards of Moldova. The only way for Moldova to move ahead is for the government to privatize farmland and factories. The kolkhoz system of collective farming is a dead end. Holding together the current system for marginal, temporary improvement will only delay the inevitable reforms. In order to achieve these aims, Moldova needs small tractors for its farmland and farmer-to-farmer exchanges with the United States Government.

Mr. President, since the war of the separatist government in Transdniestria began, 43,370 refugees have fled the left bank and Bendery and now seek shelter in Moldova. Ms. Ludmilla Scalnyi, the president of Women's Association Dacia sponsored a roundtable discussion with representatives of the Ukrainian, Russian, and populations Moldovan Transdniestria who spoke of the devastation in their lands and how the government of that region is not working to protect minorities but instead to exploit them in a grab for power and a return to the Soviet Union. These women feel that the story of the true devastation at the hands of this regime, parts of the 14th Army, and Cossack irregulars, are not being heard by the West.

I urge international human rights groups to travel to meet with these women to hear their stories of devastation and to investigate the pitiful human rights record of the Transdniester Government.

LATVIA

Despite a Russian pledge to the Latvian Government on February 1 to come to an agreement regarding troop removal and to state the number and composition of Russian controlled forces in Latvia, Russian troop levels are not decreasing in Latvia. At the same time, rhetoric from members of the Russian Government, including Defense Minister Pavel Grachev, that Russia does not rule out the use of force to protect the Russian minority, continues to increase.

I ask unanimous consent that a copy of the February 1 communique signed by representatives of the Latvian and Russian Governments be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

(See exhibit 1.)

CSCE PRINCIPLES IN THE BALTIC STATES

Mr. PRESSLER. Mr. President, I am very disappointed that the recent CSCE meeting in Helsinki failed to take the essential step of to brand the presence of Russian troops on foreign soil as a violation of international law. While President Boris Yeltsin told the G-7 meeting in Munich that all troops will be removed in the near future, the Russian Government seems to be backtracking by its actions from that rhetroric

I urge the Russian Government to keep its commitments under the February 1 communique that no new conscripts will be sent and that the Russians will report the size, composition, location, and number of Russian units on Latvian soil. The same steps should be undertaken in Lithuania and Estonia.

During my visit to Latvia, I met with numerous Latvian Government officials and representatives of the Russian military. Based on these meetings, I conclude that arguments why the Russian Army should remain in Latvia are nothing but smoke and mirrors to hide the intention of many in the Russian military and government to make the Baltic States a permanent colony of Russia.

The first fallacious argument to deny the Latvians their freedom by keeping the Russian Army in Latvia regard Latvia's treatment of minorities. The world is now being told that the Russians are the peacemakers, the peacekeepers and the persecuted. While this may be the intention of many good, Russian people and officials, these are not the intentions of the Russian military.

I ask unanimous consent that a copy of a report on the human rights situation in Latvia completed by the Council of Europe be printed in the RECORD at the conclusion of my remarks. This report states that Latvian laws on human rights are consistent with those of European countries.

The PRESIDING OFFICER. Without

objection, it is so ordered.

(See exhibit 2.)

Mr. PRESSLER. Mr. President, I ask unanimous consent that an article by Paul Goble from the Washington Post be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the

RECORD, as follows:

THE RUSSIANS AREN'T GOING (By Paul A. Goble)

Among the two most dangerous "poison pills" left behind after the collapse of the Soviet Union are the 1.5 million Russian troops stationed in the newly independent non-Russian states of the old union and the 25 million Russians living as ethnic minori-

ties in those new nations.

Each of these poses serious challenges to both the new countries and to Russia. But they pose an especially explosive mix if brought together in scenarios in which the military abroad is used to back the Russian communities abroad. This combination is likely to threaten the prospects for peace and stability on the periphery and for democracy in Russia itself. In recent weeks, a number of events have occurred that suggest this dangerous combination may be forming. On Friday, the Russian Parliament de-

nounced the republic of Estonia for mistreatment of its Russian minority and threatened to impose sanctions. Only three weeks earlier, Russian military commanders there authorized the use of force to repulse any Baltic interference with Russian military oper-

ations.

Both the Russian military and the Russian minorities face an uncertain future. The

military, originally stationed in the republics as part of the Soviet army, is now in an especially undefined position. Nominally part of the forces of the Commonwealth of Independent States (CIS), they are in reality a Russian army. The lack of definition of their subordination to civilian authority creates opportunities for dangerous freelancing.

Since Russian President Boris Yeltsin has announced that Russia will create a military force of 1.5 million, the best way to proceed would be to accurately re-label CIS forces as Russian. The longer they are allowed to exist under the CIS fiction, the greater the possibility they will be misused to advance Russian nationalist interests.

While the draftees are probably as ready as conscripts anywhere to go home, many Russian commanders are not accepting the new reality-and are adding to the strains of already dangerous ethnic conflicts. In the Trans-Dniester region of Moldova, for example, where violence continues between Russians and Moldovans, the 14th Russian Army has exacerbated rather than calmed the situation. In the Baltics, a Russian general recently asserted that the Lithuanian-Polish border was in fact a "Russian" border. Last month, Moscow military commanders authorized soldiers-whether stationed within Russia or in other former Soviet republicsto use lethal force against local populations that interfere with the military in any way.

The Russians in the republics are in an equally undefined situation. Some of the 25 million Russians in the new states have been there for decades or even generations. But most—one recent Moscow estimate puts the figure at 60 percent—were simply representatives of the imperial center, dispatched to promote Soviet power and uninterested and unsympathetic toward the local population.

Now that the basis of the Russians presence has been destroyed, many fear discrimination. Ironically, most of the new countries have adopted remarkably liberal positions on citizenship and minority rights—a stance that has won praise from several international organizations. The worries of the Russians seem fueled as much by withdrawal of the privileges they enjoyed as by fear of genuine reprisal from long oppressed minorities who now are in control of their own nations.

Not surprisingly, Russian conservatives who want to restore the empire have sought to play on the fears of the Russians living in the new countries and to enlist Western support in this regard, just as former Soviet president Mikhail Gorbachev did a year ago. Until recently, such appeals typically came from the margins of the Russian political spectrum, but now they are becoming more frequent, emanating from senior officials in the Russian government itself:

On June 5, Russian Defense Minister Pavel Grachev said Moscow had the right to intervene in the successor states to defend "the honor and dignity" of ethnic Russians.

On June 22, Russian Supreme Soviet Foreign Affairs Commission Chairman Yevgeny Ambartsumov warned against those who would attack Russians, pointedly noting that "we sometimes overrate the principle of the inviolability of borders;"

On June 23, Russian presidential counselor Sergei Stankevich repeated that "Russia is responsible" for the fate of Russians in the new states, warning the West not to think on this issue that it was dealing with Russia as "a devastated empire."

So far, Yeltsin generally has resisted these claims. But instead of backing up the reformist Russian president on these key is-

sues, the Bush administration has been silent. Our silence spurs Russian chauvinism and weakens Yeltsin. The administration seems to have learned nothing from an episode in 1991, when it refused to take a tough stand against Soviet violence in the Baltic states out of fear that to do so would somehow undermine Gorbachev. The unintended result: Violence continued, conservatives in Moscow were strengthened and any chance Gorbachev would resume reform was seriously reduced.

What should the West do? Clearly, the international community—including the United States—must make every effort to try to ensure that Russians in the new states enjoy equal rights as individuals, regardless of minority status. To do otherwise or to focus on the Russian minorities alone as many foreign leaders are doing, is to ignore the claims of the more than 30 million non-Russians who also live outside their home countries. Singling out the Russians in the new states for special consideration reinforces Russian chauvinists who want to make the Russian diaspora into a permanent cause for extremist nationalism.

The West also must encourage both the rapid withdrawal of all Russian troops from countries where they are not welcome and the end of the undefined status of Russian military units by creating a specifically Russian army and eliminating the CIS command. Any delay is an invitation to trouble. Some Russian commanders and Russians on now-foreign soil may actually seek to spark violence in order to justify their continued presence. To counter this possibility, we must internationalize the issue, perhaps via the Conference on Security and Cooperation in Europe, which just met in Helsinki. This would add a note of coordination and engagement on the issue that so far is lacking.

Finally, we must recognize that the presence of CIS forces in what now can only be considered garrisons on foreign soil is a menace to peace. CIS Marshal Yevgeny Shaposhnikov last week asserted the right to intervene throughout the old empire as peacekeeper. We should thus welcome the establishment of a specifically Russian military and insist that it behave like any other national army when it seeks to have bases abroad—billeting them only by agreement with the host government.

Failure to take a tough line on these issues is inconsistent with our desire for stability throughout the region and promotion of democracy and human rights. Unfortunately, the administration, which regularly insists that Russia adopt tough economic measures as the price of aid, has not insisted on these more fundamental political reforms. If we do not do so, we may find that any economic reforms will be swept away by military and po-

litical upheavals.

After the demise of the Soviet empire, many people argued that the Russian federation would be the next domino to fall, what one Moscow official called a "chain reaction of disintegration." A glance at a map shows why. As divided by Soviet power into various "autonomous" administrative areas, Russia appears to be less than half Russian: Its 31 autonomous formations cover more than 53 percent of the territory of the country, and several of them—the Kazan Tatars, the Chechens in the North Caucasus and others—are talking about independence.

But looks are deceiving. Russia is not the Soviet Union writ small and is unlikely to suffer the same fate. In contrast to the U.S.S.R., where half the population was non-Russian and where many of the republics had

a tradition of state independence, Russians form over 80 percent of Russia's population. In addition, most of the 31 autonomieswhose residents represent only 17 percent of Russia's total-are overwhelmingly Russian: Only six have non-Russian majorities or pluralities. And with the exception of those noted above, most lack any recent tradition of state independence or immediate interest

But a reassertion of Russian power in the non-Russian successor states could quickly change that, driving ethnic enclaves to attempt independence before Moscow turned

its attentions to them.

But the most serious consequence of silence is to undermine Russian democracy and the reformist impulses of Yeltsin. Unlike Gorbachev, Yeltsin understands that no empire can be a liberal state; hence, he has helped engineer a remarkably peaceful divorce of the former Soviet republics. In this, he benefited from both popular support-last spring, a poll showed that fewer than one Russian in 10 was prepared to use force in the successor states-and the longstanding opposition of the international community to use force outside national boundaries. But recently, he has been under pressure at home to take a harder line and under much less pressure from abroad not to.

The West can do little about the demands of the Russian right that the empire be reestablished and the "anti-national" government of Yeltsin be overthrown. But we have an obligation to maintain what has been a consistent position against the use of the

Russian military outside of Russia.

In a plea last month against any use of force to defend Russians in the successor states, Russian Foreign Minister Andrei Kozyrev argued that doing so would generate a backlash against Russians in the new states and hurt Russian democracy as well. Those pushing for such a use of force, he said, were creating a situation resembling "1933 in Germany, with part of the democrats beginning to assume nationalistic positions." Such people, Kozyrev said, do not understand that democracy inside Russia and the use of military force to defend Russians abroad are "incompatible." This is a lesson that we need to learn, too.

Mr. PRESSLER. Mr. Goble made the important point that the Russian Parliament is prepared to impose sanctions or use force to guard the privileges the Russians enjoyed during the days of empire, not protect against genuine reprisals. I speak specifically

of Russian threats to Estonia. Mr. President, the United States made many excuses not to get involved in the former Yugoslavia. Many in the State Department called the situation in Croatia an ethnic conflict and justified inaction by stating that the people should sort itself out themselves. We are in danger of making a similar mistake in the Baltic States by making excuses for the Russian Army to stay. All the seeds are planted for a complete catastrophe. This means that the U.S. taxpayer may, indeed, be asked to spend a lot of money, while getting nothing in return except broken prom-

VISIT TO SKRUNDA BASE

Mr. President, I was the first Westerner allowed to visit the Russian Phased Array Radar Facility in

Skrunda, Latvia. Although the commanders of the base were courteous and provided a lunch to our party, they claimed they could not get permission from their superiors to allow our party to walk through the facility.

I was struck during my visit with statements by the Russians that they felt it might take 10-15 years for them to leave Skrunda. It was my impression that this reflected the views of the military high command of Russia and that only political leadership could shorten the time for Russian forces to be stationed on foreign soil.

Skrunda, according to its Russian commanders, is a defensive facility to protect against incoming missile attacks. But the end of the cold war surely means-at a minimum-that the threat no longer exists if it ever did. Certainly Sweden, Norway, and Finland post no threat to the Russians and certainly are no threat to independent

and free Latvia.

I felt my visit to Skrunda provided important new evidence that the United States must insist that Russian political figures keep their apparent commitment to an early and complete withdrawal of Russian military forces from the Baltic States, Moldova and other places where they are not wanted. Moreover, continued presence of Russian forces create destabilizing conditions that inevitably detract from the ability of newly independent governments to exercise their fundamental rights of sovereignty and self-determination consistent with CSCE and other international principles.

Mr. President, in both Moldova and the Baltic States, I call on President Bush and Secretary Baker aggressively to defend the rights of these nations for freedom from subjugation.

LATVIAN FOREIGN MINISTER'S INSIGHTS During my discussions with Janis Jurkans, Latvia's Foreign Minister and Andrejs Krastins, Deputy Chairman of Latvia's Supreme Council, both stated that territorial disputes and ethnic animosity are coordinated disinformation efforts of the Russian KGB. Mr. Jurkans stated, for example, that there are 76 people in the Baltic department of the Russian KGB working to sow seeds of instability there. Their task is to use the Baltic States as a showcase for the rest of the former Soviet Union that freedom cannot exist without Russian coordination and domination. In short, Mr. President, that newly independent governments are having difficulty being truly free of Russian domination.

CONCLUSIONS

My goals during the trip were to monitor progress toward three goals: human rights, democracy, and free enterprise. The Baltic States are light years ahead of the States of the former Soviet Union. They do far more than pay lipservice to the principles of CSCE, democracy, and human rights.

They are implementing democracy while most of the former Soviet Republics are using rhetoric. Our money is much better spent in the Baltic States than elsewhere if our goal is to promote these fundamental principles.

I urge the State Department to realize that the Baltic States should not be penalized while boatloads of cash flow to Russia and the States of the former Soviet Union. I believe the amounts the United States has sent last year and plans to send this year to the Baltic States is very small in comparison with assistance plans to the former Soviet Union where there is a far less chance for money to go to good use.

I was also concerned with the treatment of some of the minorities in the countries that I visited. I spoke yesterday about the treatment of the Jewish minority in the central Asian coun-

In the Baltic States, I urge that they move as quickly as they can to allow persons of Russian background to vote who wish to be loyal citizens of Lithuania, Estonia, and Latvia.

I think the countries of the former Soviet Union need the Jewish minorities, the human resources. I think they need to train Russian minorities where they wish to be loyal to a country. And I think that the United States, in terms of giving aid, must talk about human rights and CSLE principles, to provide some leadership on treatment of minorities.

I previously said that I think many countries are not meeting the standards for democracy, human rights, and free enterprise. As a Senator who voted for the Freedom Support Act when it passed this body, I may well vote against it unless there are more conditions placed on it by the House and in conference.

I shall be sending a copy of my trip report to all Members of the House, as well as the conferees, and urge that conditions be placed in our assistance

Human rights practices outside the Baltic States remind me of a passage from a play, "Death and the Maiden," by Ariel Dorfman, in which they were discussing how one group, when it comes to power, punishes the last group who mistreated them, and the cycle continues. At one point, one of the characters said:

So we go on and on with violence, always more violence. Yesterday they did terrible things to you and now you do terrible things to me and tomorrow the same cycle will begin all over again. Isn't it time we stopped?

Mr. President, I think that this is a great lesson for those former Soviet Republics. I should add that I observed no desire for retribution in the Baltic States, despite provocation. The United States should defend the concepts of human rights and CSCE principles throughout the region.

Mr. President, I yield the floor. EXHIBIT 1

COMMUNIQUE ON THE NEGOTIATIONS BETWEEN THE STATE DELEGATIONS OF THE RUSSIAN FEDERATION AND THE REPUBLIC OF LATVIA

In compliance with an earlier agreement, negotiations were held in February 1992 in Riga between the state delegation of the Russian Federation, headed by Mr. S. Shakhray, Vice-Chairman of the Government of the Russian Federation and State Adviser on legal Policy, and the state delegation of the Republic of Latvia, headed by Mr. J. Dinevics, State Minister of the Republic of Latvia. The topic of discussions was the number of issues pertaining to the complete removal from the territory of the Republic of Latvia of the former USSR troops which are stationed in Latvia and now have come under the jurisdiction of the Russian Federation.

In the course of the negotiations the Parties confirmed their will to develop good neighbourly relations, based on the principles of equality and mutual benefit, between the Russian Federation and the Republic of Latvia. These relations would comply with the principles expressed in the UN Charter and other generally accepted norms of international law, and would strictly observe the obligations within the context of the Conference on Security and Cooperation in Europe and the basic stipulations of the Agreement on the Basis for Interstate Relations between the Russian Federation and the Republic of Latvia. The Parties confirmed their readiness to negotiate the whole complex of military-political, economic, humanitarian and other issues, taking into account that agreement between them on these issues will be reached within the context of measures taken to ensure security and confidence in Europe and a constructive participation of Russia and Latvia in the further development of the European process.

The delegation of the Russian Federation pointed out that problems connected with the removal of the troops will be solved so that to respect the independence and sovereignty of the Republic of Latvia and strictly observe its laws and agreements between the Parties. The Latvian delegation confirmed its readiness to respect the interests of the Russian Federation pertaining to the removal of the troops from the territory of Latvia. The Parties have agreed that these can be considered foreign troops to be removed from the territory of another sov-

ereign state.

Agreement was reached that the beginning of the removal of the troops stationed on the territory of Latvia will be March 1992, and that the existing number of the troops will not be increased in the period before the start of the removal. The Parties agreed to consider the negotiations as the beginning of work on the draft agreement between the Russian Federation and the Republic of Latvia on the conditions, terms and order of a systematic removal of troops from the territory of Latvia and their legal states in the period of the removal. The Parties discussed the basic principles of this Agreement. They have agreed that the terms, order and steps of the removal depend on a number of objective factors, in the first place such as serving the interests of the national security of Latvia and Russia, as well as the social security of the military and their families. The Parties have agreed that the issues of the social security of the retired military will be addressed to and solved in the nearest future.

The Parties have agreed that in the period of the removal of the troops they will abstain from unilateral measures that have not been agreed upon with the other Party.

The Parties have agreed to set up expert task forces to prepare the draft of the above mentioned Agreement which the delegations intend to negotiate in the shortest time pos-

The Russian Party recognizes the property rights of the Republic of Latvia with regard to the buildings and facilities erected before June 17, 1940, presently used by the military. An agreement was reached that the Rus-

sian Party will regularly inform the Latvian Party about the number of the troops stationed on the territory of the Republic of Latvia.

The Parties confirmed that they have agreed about an efficient solution of the most topical problems connected with the supplies for the troops stationed on the territory of Latvia, as well as about the necessity to discuss the terms of mutual payments.

The Parties have agreed that they will determine the order of inspection, appoint inspectors and carry out a bilateral inspection of the objects located on the territory of Latvia presently occupied by the troops to be removed.

The Parties have agreed that they will cooperate in solving the environmental problems. The size of the damage incurred to the environment will be determined by mutually agreed upon methods.

The Parties intend to discuss the conditions on which the Russian Federation would transfer a certain amount and certain types of weapons, military equipment and ammunition to the Republic of Latvia.

The Parties have touched upon the subject of the opening of the Embassy of the Russian Federation in the Republic of Latvia.

S. SHAKHRAY. J. DINĒVIČS.

EXHIBIT 2

[Council of Europe, Parliamentary Assembly, Strasbourg, January 20, 1992] AD HOC COMMITTEE ON RELATIONS WITH EASTERN EUROPE

(Report on Human Rights in the Republic of Latvia)

(Prepared by Mr. J. de Meyer, judge of the European Court of Human Rights and Mr. C. Rozakis, member of the European Commission of Human Rights)

REPORT ON LATVIA Introduction

We were asked by the Parliamentary Assembly of the Council of Europe to examine the laws drafted or enacted in Latvia concerning human rights, with particular reference to citizenship, cultural rights and the rights of minorities.

For this purpose, we have examined the constitutional and legislative texts supplied to us, in English translation, by or on behalf of the Latvian authorities.

The texts supplied were:

The Constitution of 15 February 1992.

The Declaration of 4 May 1990 on the Renewal of the Independence of the Republic of Latvia:

The Declaration of 4 May 1990 concerning accession by the Republic of Latvia to cerinternational human rights instrutain ments:

The Constitutional Act of 21 August 1991 concerning the situation of the Republic of Latvia as a state:

The Constitutional Act of 10 December 1991 concerning the rights and duties of citizens

and people; as well as: The Act of 5 May 1989 concerning the use of languages:

The Act of 7 September 1990 concerning religious organizations:

The Act of 19 March 1991 concerning free development and the right to cultural autonomy of nationalities and ethnic groups;

The Resolution of 15 October 1991 concerning restoration of the rights of citizens of the Republic of Latvia and the fundamental principles of naturalization.

In addition, discussions were held in Riga on 16-17 December 1991: with several members of the legislative committee of the Supreme Council and the latter's delegation to the Parliamentary Assembly of the Council of Europe; with representatives of: the Parliamentary Group for Equality of Rights; the Democratic Initiative Centre; the Latvian Committee and the Citizens' Congress of the Republic of Latvia; cultural associations representing the Russian, Polish, Jewish and Gypsy communities; the Lutheran, Orthodox, Catholic and Baptist churches; the press, radio and television; and with Mr. Gvido Zemrido, President of the Supreme Court; and Mr. Anatolijs Gorbunovs, President of the Supreme Council.

I. CONSTITUTIONAL SITUATION

The Constitution of 15 February 1922 has in principle been reinstated.1

However, pending the winding up of the occupation and annexation of Latvia and the assembling of the Parliament (Saeima) of the Republic, supreme authority is exercised by the Supreme Council of the Republic.2

II. GUARANTEE OF FUNDAMENTAL RIGHTS

The Supreme Council has already by means of several texts provided guarantees of fundamental rights.

1. It has done so, firstly, in general terms in the Declaration of 4 May 1990 concerning

the Renewal of the Independence of the Republic of Latvia.

Article 8 of this declars ion recognizes the social, economic, and cultural rights, as well as political rights and freedoms which are defined in international human rights instruments, but guarantees them only to "citizens of the Republic of Latvia and those of other nations permanently residing in Latvia", but adding that these rights apply also to citizens of the USSR who express the wish to continue living in Latvian territory.

It is surprising that in this provision no mention is made of "civil rights"

Furthermore, its rather restrictive wording might be found not quite compatible with the principle of the universality of human rights, in that the Supreme Council seems not to recognize the rights of foreigners not residing permanently in Latvia. nor of citizens of the USSR not specifically indicating their wish to continue living there.

Conversely, Article 8 seems, insofar as it applies to foreigners, both Soviets and others, to guarantee political rights to them as well as to Latvian citizens, which is more than is generally allowed.

2. Moreover, in Article 1 of the same declaration, the Supreme Council recognises the primacy of fundamental principles of international law over national law. Since these principles in particular entail the obligation to ensure universal and effective observance of human rights and fundamental freedoms. it seems by that very fact to have recognised the pre-eminence of those rights and freedoms in relation to Latvia's domestic law.

This pre-eminence cannot acquire its full significance, its full value, unless the Latvian authorities, and particularly the courts, do everything necessary to put it into prac-

¹ Footnotes at end of article.

tice, particularly by applying domestic law only insofar as it does not violate those rights and freedoms.

According to comments obtained on this subject during the conversation with the President of the Supreme Court, it seems that Latvian judicial circles are aware of their responsibilities in this respect.

3. That is all the more important because, in another declaration of the same date, the Supreme Council proclaimed the accession of the Republic of Latvia to 51 international human rights instruments³; these were 48 declarations, conventions or resolutions drawn up in the United Nations organisation or its specialised agencies,⁴ the Final Act of the Helsinki Conference and Resolutions adopted subsequently by the Conference on Security and Co-Operation in Europe, in Madrid in 1980 and in Vienna in 1986.

These instruments include, first of all, the Universal Declaration of Human Rights and the two International Covenants of 1966, the one on economic, social and cultural rights and the other on civil and political rights.

Thus, without even waiting until Latvia was re-recognised as an independent state by other states or admitted to the United Nations or the CSCE and without the necessary formalities being accomplished for Latvia to be bound in international law by the undertakings resulting from the instruments listed in the Declaration, the body exercising supreme power in the Latvian state has subscribed to the principles and rules stated in those instruments.

As was confirmed to us by the President of the Supreme Court, the provisions of these instruments must accordingly be regarded as fully applicable and mandatory in domestic law

Furthermore, the Declaration seems both to clarify and broaden the guarantee formulated in general and somewhat imperfect terms in Article 8 of the Declaration on the Renewal of the Independence of the Republic. It appears to clarify it by referring to the more detailed provisions of the instruments which it enumerates. It appears to broaden it in that it thereby fills—or seems to fill—the gaps in the above-mentioned Article 8.

4. In the same declaration, the Supreme Council recognizes the role of the Council of Europe and the European Parliament in safeguarding human rights and declares that it will be guided, in its legislative activity, by the relevant documents adopted by those organizations.

That is a declaration of intent with little binding effect.

5. Quite recently, on 10 December 1991, the Supreme Council adopted a Constitutional Act concerning the rights and duties of citizens and people.

It covers both economic, social and cultural rights and civil and political rights.

It contains provisions very similar to those guaranteeing human rights and fundamental freedoms in the constitutional instruments of Council of Europe member states. It recognises, in substance, the rights defined, at United Nations level, in the Universal Declaration of 1948 and the two covenants of 1966 and, at European level, the European Convention on Human Rights and the European Social Charter.

As the title of the Act indicates, a distinction is made between rights and duties which are common to all and those which belong to citizens.

Only citizens enjoy the guarantee not only of conventional political rights, including the right to vote and to be elected, the right of access to state office and the freedom to

reside in Latvia and return there, but also the right to own land and other natural resources and to dispose of them, subject only to exceptions determined by international treaties.

The restriction thus imposed on the property rights of non-citizens is not usual in Europe. However, it might be regarded as fitting in with Article 1, para. 2 of the International Covenant on Economic, Social and Cultural Rights and Article 1, para. 2 of the International Covenant on Civil and Political Rights.

III. THE PROBLEM OF MINORITIES AND THE PROBLEM OF CITIZENSHIP

 In Latvia, the major problem is that of minorities. It has become all the more serious because the number of inhabitants of Russian, Byelorussian or Ukrainian origin increased considerably during the period of annexation to the Soviet Union.

The proportion of the Latvian community to the total population of the Republic fell from a little over 75 percent in 1935 to a little under 52 percent in 1989. At the same time, the Russian, Byelorussian and Ukrainian communities rose from about 12 percent, with the Russian community accounting for 10.5 percent, to over 42 percent, with the Russian community accounting for over 34 percent.

The non-native communities, mainly those of Soviet origin, have mainly settled and grown in the urban areas. As a result, the Latvian community represents only 36.5 percent of the population of Riga and about 13 percent of that Daugavpils.

2. In the Supreme Council elected in 1990, the Latvian community is considerably over-represented and the Ukrainian community is slightly so, whereas the Russian and Byelorussian communities are substantially under-represented; 10 this seems to be due to the fact that the Assembly was elected by double-ballot uninominal majority vote, with at least three members per administrative district.

In this connection, it may be observed that, according to the 1922 Constitution, Parliament must be elected by the system of proportional representation, in constituencies whose number of members must be proportional to the number of electors, 12 It is in that manner that the next Parliament should normally be elected.

Furthermore, the present Supreme Council is strongly polarised in that the members belonging to the Latvian community, on the one hand, and those belonging to the Russian, Byelorussian and Ukrainian communities, on the other hand, are very largely combined in distinct and opposing political formations.¹³

This situation helps better understand the importance of the citizenship problem.

A law governing citizenship is being drawn up: the Supreme Council laid down the principles in a Resolution of 15 October 1991.¹⁴

According to the Resolution, Latvian citizenship belongs in principle only to those who held it on 17 June 1940 and their descendants, if they were resident in Latvia on 15 October 1991 and if they register before 1 July 1992; ¹⁵ if they were not resident on 15 October 1991 or if they are citizens of another state, they may obtain it at any time on condition that they register and show proof of permission for expatriation. ¹⁶

Those who did not hold Latvian citizenship on 17 June 1940 and their descendants, may, according to the same resolution, acquire citizenship by naturalisation. They cannot obtain or apply for citizenship unless they were resident in Latvia on 15 October 1991,

register before 1 July 1992 and do not retain the citizenship of another state.¹⁷ These three conditions are sufficient for those of them who, without being Latvian citizens, were lawfully and permanently resident in Latvia on 17 June 1940 and for their descendants.¹⁸ They also permit the naturalisation of those who could have applied for Latvian citizenship under Section 1 of the Citizenship Act of 23 August 1919 and their descendants, if they also show proof of a sufficient knowledge of the Latvian language.¹⁹

This additional condition is imposed on those not falling within the two previous categories, but they also have to fulfill three other conditions: They must have lived and resided permanently in Latvia for at least sixteen years, be familiar with the fundamental principles of the Constitution of the Republic and swear an oath of allegiance

to it.20

According to the Resolution, citizenship of the Republic of Latvia cannot be granted to several categories of people. This applies to people serving in the armed forces, interior forces or security forces of the USSR and those who, after having served in them, have settled in Latvia but were not resident there permanently before entering the service. It also applies to people sent to Latvia after 17 June 1940 in the service of the Communist Party of the USSR or of the Komsomol.

In no case is it possible to be both a Latvian citizen and a citizen of another state.²²
4. The question of citizenship is highly con-

troversial.

The system defined in the Resolution of 15 October 1991 is hotly contested by the Russian, Byelorussian and Ukrainian communities. Representatives of the Equality of Rights Group and the Democratic Initiative Centre whom we met in Riga made it clear that they regard it as discriminatory and arbitrary. The two "Russian" members of the delegation from cultural associations were less forthright in their expression of unease on the subject.

Among the Latvian community and in the Popular Front it is felt that the distinctions made in the Resolution and the criteria it lays down are reasonable and objectively justified, having regard to what has happened in

Latvia since 1940.

In some radical circles, more particularly in those of the Latvian Committee and the Citizens' Congress, it is even said that the Resolution is still too favourable to immigrants and that they can be granted nothing as regards citizenship before a new parliament is elected, in accordance with the 1922 Constitution, by those who were already Latvian citizens on 17 June 1940 and their descendants. These circles explicitly want the gradual departure of the population of former Soviet origin.

The Resolution does not seem unreasonable in that it in principle recognises Latvian citizenship for those who possessed it in June 1940 and their descendants and grants it to others only through naturalisation. Nor does it seem unreasonable in ruling out the combination of Latvian citizenship with that

of other states.

However, it seems less reasonable in other respects. There is room for misgivings about the provisions which, for naturalisation purposes, require sufficient knowledge of the Latvian language and at least sixteen years' residence in Latvia, and perhaps also with the requirement that applicants for naturalisation must be familiar with the fundamental principles of the Constitution.

IV. INDIVIDUAL ACTS

1. The Act on free development and the right to cultural autonomy of nationalities

and ethnic groups, adopted by the Supreme Council on 19 March 1991, guarantees all residents in Latvia, whatever their nationality, equal enjoyment of human rights, in accordance with international standards.23

In particular, it guarantees all permanent residents in Latvia, whatever their nationality, equal rights in relation to employment and enumeration: it prohibits with regard to free choice of occupations and trade, any discrimination on grounds of nationality 24 Similarly, it prohibits any activity involving national discrimination or the promotion of national superiority or national hatred.25

Furthermore, the Act guarantees all permanent residents of Latvia freedom to decide their nationality,26 to observe their national traditions, to use their national symbols and celebrate their national festivals,27 to maintain relations with their compatriots abroad, to leave and return to Latvia,28 to set up their own national societies, associations and organisations.29 It affords all these the right to develop their own educational establishments by their own means,30 and to use the mass communication media of the state and to have their own.31

Under the same Act, the state must promote the activity of these societies, associations and organisations and afford them material assistance.32 but they must for their part act within the framework of the laws of the Republic of Latvia and respect its sov-

ereignty and indivisibility.33

The Act also provides that the national cultural organisations enjoying the tax relief provided for by the laws of the Republic and their members are entitled to exercise economic activities in accordance with those laws.34

It recognises the right of all nationalities and all ethnic groups to be represented on the Nationalities Advisory Council and to participate in its work, particularly with regard to the framing of legislation 35 and the right to develop their own artistic life.36

According to the same Act, the state must promote the creation of material conditions for the development of the education, language and culture of the nationalities and ethnic groups inhabiting Latvia and provide budgetary resources for this purpose;37 it must, on the basis of international agreements, promote for its permanent residents the possibility of receiving higher education in their mother tongue outside Latvia;38 similarly, it must promote the publication and distribution of national periodicals and literary works 39 and protect national monuments and objects of a historical and cultural nature.40

The Act provides in particular that the state must promote the preservation of the national identity and the historical cultural environment of the Livonians and the renewal and development of the socio-economic infrastructure of the territories they inhabit.41

The Supreme Council has thus laid down a number of principles which, although framed in general terms, are such as to guarantee in very large measure, provided they are put into practice, the existence and development of the nationalities and ethnic groups which make up the population of Latvia.

However, the Act lacks precision in many of its provisions. This particularly applies to the positive obligations imposed upon the state in this respect, it cannot acquire its full value unless those obligations are more clearly defined.

In so far as it refers to other laws, it leaves the door open to restrictions which those laws might introduce.

It may also be wondered whether the provision whereby national societies, associations and organisation must act within the framework of the laws of the Republic of Latvia and respect its sovereignty and indivisibility does not confine the exercise of freedom of association within unduly narrow limits.

2. As regards the rights of nationalities and ethnic groups in relation to education, the Act of 19 March 1991 refers to the specific Act on the subject.42

The text of that Act was not supplied to

3. The use of languages is governed by an Act of 5 May 1989: this is a text adopted by the previous Supreme Soviet.

The English translation which was supplied to us seems very imperfect; in places it is difficult to understand.

With this reservation, the main provisions

may be summarized as follows:

Latvian is the official language of the state.43 It is also the language of its authorities and services, without prejudice to the use of Russian or other languages in certain cases and to the translation into Russian of certain decisions.44 Application may be made to these authorities and services in Latvian or in Russian; their staff must have an adequate knowledge of both these languages.45 Documents issued by these authorities and services are drafted in Latvian or in Russian or in one or other of those languages, according to the choice of the person to whom they are issued.46 In their relations with the public, they use Latvian unless there is agreement to use another language.47

The State guarantees the right to general education in Latvian or Russian; it must permit the education of residents of other nationalities in their mother tongue and create appropriate conditions for this purpose.48 It also guarantees the use of Latvian and Russian in vocational, technical or post-secondary education establishments, but the final examinations must be held in Latvian.49 In scientific matters, the choice of language is free; it is determined by common agreement for theses and dissertations 50

Any establishment dispensing education in a language other than Latvian must include Latvian language courses in its curriculum.51

Names of places and institutions must be in Latvian or derived from Latvian, with a translation into Russian or another language if necessary.52 Similarly, markings on goods produced in Latvia must be in Latvian; they must also be in Russian or in another language if they are for export.53

The Act also provides that the use of Latvian, its dialects and Latgallian is guaranteed for all forms of cultural expression and that the State especially guarantees the preservation and development of the language and culture of the Livonians. The cultural development of the other traditional ethnic cultures is also guaranteed.54.

These being the main provisions of the Act, it may be observed that it makes fairly substantial allowance for Russian as a second language in Latvia and grants extensive facilities to Russian-speakers. It nonetheless clearly imposes Latvian as the only official language and makes knowledge of it compulsory not only for anyone wishing to take an active part in the affairs of the state, its authorities and its services, but also for anyone wishing to obtain a diploma of vocational, technical or post-secondary studies in Latvia. Similarly, the use in relation to the public of languages other than Latvian by the public authorities and services seems to be left up to them.

The Russian-speakers whom we met in Riga mostly complained about this state of affairs, but it was explained by the Latvian community that it is a question of protecting the language of the country, which is threatened by the influx of foreigners who have settled in large numbers since 1940. Furthermore, the Act offers little guidance

as to the use of languages in judicial matters. According to the President of the Supreme Court, there are virtually no difficulties in this respect: all judges know Russian as well as Latvian; cases are tried and judgments delivered in Latvian or in Russian, according to the requirements of each case and the preference of the parties, on the understanding that in criminal matters the language of the accused is used and in labour matters that of the worker.

The Act of 5 May 1989 contains no provisions on the use of languages in the mass communication media or in economic and social life. It is also vague regarding languages other than the two main ones.

4. On 11 September 1990 the Supreme Council adopted an Act on religious organiza-

This Act is fairly detailed: it may suffice here to summarise the most important provisions

It guarantees the equality of inhabitants of Latvia, whatever their attitude toward religion; it prohibits any privilege or discrimination in this respect, and any insult to their feelings or incitement to hatred. It allows no-one to evade on religious grounds the civic obligations laid down by the law, except in the cases provided for in the Act.55

It proclaims the lay character of the State, while obliging it to protect religious organisations and to assist them on request. It enables them at the same time to participate in public affairs, particularly through the establishment and use of mass communication media. It grants religious bodies whose statutes have been legally registered the right to be represented on the Consultative Council for Religious Affairs,55 whose role seems similar mutatis mutandis to that of the Nationalities Advisory Council.56

It prohibits the State and its institutions from interfering in the internal affairs of religious organisations,57 but provides that a parish must be composed of at least ten adults and represented by a governing body elected by its members and that a "regional or central institution" must be composed of at least three parishes.58 Furthermore, it subjects religious organisations to the ordinary law as regards the status and social security of their stuff; 59 it recognises as legal entities those which register their statutes.80

It guarantees freedom of worship and other religious activities in private premises and in churches, chapels and cemeteries. It permits it also in other public places, subject to authorisation by the local authorities, and, according to arrangements to be agreed with the administration as to time and place, in hospital and prison establishments.61

It grants religious organisations the right to dispense religious education in their own and by means of optional institutions courses in State schools or private schools; it provides that the local authorities must, within the limits of their possibilities, provide them with material resources for this purpose.62

It guarantees them the right to ownership of goods acquired "legally" and promises them the restitution, at their request and "according to the relevant legislation" those of which they have been dispossessed.63 It allows them the exercise, "within the framework of existing legislation" of economic and press activities.64 It also grants them certain tax exemptions.65

Restrictions cannot be placed on the activity of religious organisations unless they violate the Constitution and the laws of the Republic, or unless they endanger the social order and the safety or rights and freedoms of other inhabitants.⁶⁶ In the event of violation of the Constitution and the laws, their registration can be refused 67 or their activities terminated.68

Like the Act on free development and the right to cultural autonomy of nationalities and ethnic groups, the Act on religious organisations lacks precision as to the positive obligations which it imposes on the state. The same applies to those which it im-

poses on local authorities. Furthermore, some of its provisions might give rise to other problems. This is the case with those by which it seems in principle to prohibit conscientious objection, to interfere in the internal organisation of parishes and "regional or central" religious institutions and those by which it refers, in a vague way, to other laws. It may be feared that the formality of registration of statutes may involve a risk of prior control-though it is true that there is a possibility of recourse to the courts if registration is refused.

The religious authorities whom we met in

Riga seemed fairly satisfied with the substantial improvement in the situation of their churches, although they still are experiencing serious difficulties, particularly as regards the restitution or replacement of buildings and other property taken away from them or destroyed.

CONCLUSION

In recent years, human rights and fundamental freedoms have been recognised and guaranteed in Latvia in several texts adopted by the Supreme Council of the Republic.

Most of them are to be found in the Dec-

laration of 4 May 1990 concerning the accession of the Republic of Latvia to certain international instruments and in the Constitutional Act of 10 December 1991 concerning the rights and duties of citizens and people.

As to the definition of rights and freedoms, the protection afforded by these texts is comparable to that provided by the constitutional instruments of most Council of Europe member states and guaranteed collectively in the Council of Europe in particular by the European Convention on Human Rights.

This protection has also been made explicit, more or less satisfactorily, as regards several rights and freedoms, in a number of individual Acts, particularly with regard to the legal situation of religious organisations and the cultural rights of nationalities and ethnic groups.

The Supreme Council seems thus to have expressed the resolve of the Republic of Lat-

via to comply with the obligations incumbent upon the member states of the Council of Europe with regard to human rights and fundamental freedoms.

It remains for the effective exercise of those rights and freedoms to be duly secured in practice by the Latvian authorities and more particularly by an independent and impartial judiciary. In many ways, this will entail acquiring new ways of thinking and act-

ing.
The most difficult problem is certainly that of citizenship. In this respect, the past represents a heavy burden: a profound gulf has grown between those who wish to rid themselves, more or less radically, of the demographic after-effects of a half-century of foreign domination and those who feel rejected by a country to which they have grown accustomed, in some cases over a very long period, to regarding as their own.

The use of languages gives rise to difficul-

ties of a similar nature.

There are grounds for hoping that those who oppose each other on these difficult questions will learn to listen more to each other and to find the way to conciliation and that they will appreciate that wisdom bids them not to demand all nor to refuse all.

CHRISTOS ROZAKIS, Professor at the University of Athens, Member of the European Commission of Human Rights.

JAN DE MEYER,

Emeritus Professor at the University of Louvain, Judge at the European Court of Human Rights.

FOOTNOTES

Article 3 of the Declaration of the Supreme Council of 4 May 1990 on the Renewal of the Independence of the Republic of Latvia. Article 1 of the Constitu-tional Act concerning the situation of the Republic of Latvia as a state, adopted by the Supreme Council on 21 August 1991.

²Section 3 of the Constitutional Act of 21 August

1991, already quoted.

3 Part I of the Declaration. 446 of these instruments are reproduced in the "Compilation of international instruments on human rights," published by the UNO in 1988, nos. 1-3, 5, 9-11, 13, 15, 17-19, 21-23, 26, 28-30, 32-40, 46-53, 56-59, 61, 62, 54-67. Added are these General Assembly Resolutions Nos. 41/114 and 41/117.

⁵ Part II of the Declaration.

Section 8 of the Constitutional Act of 10 December 1991. See also, regarding the right to vote and to stand for election, Articles 8 and 9 of the Constitution of 15 February 1922.

7 Section 10 of the Constitutional Act of 10 December 1991, to be compared with Sections 28 and 29 of the same Act.

⁸ Section 9 and Section 24 of the same Act.

See Table I below.

10 See Table II below There are slight differences between the number of inhabitants shown there for 1989 and those shown in Table 1. 11 Article 6 of the Constitution.

- 12 Article 7 of the Constitution.
- 13 See Table II below.
- 14 Resolution concerning the restoration of the rights of citizens of the Republic of Latvia and the fundamental principles of naturalisation.
 - 15 Article 2.1 of the Resolution.
- 16 Article 2.2 of the Resolution.
- 17 Article 3 of the Resolution.
- 18 Article 3.2 of the Resolution. This provision

20 Article 3.4 of the Resolution. According to the explanations given in Riga, the period of sixteen years is explained by the fact that it was at the age of sixteen that the "internal passport" was issued under the Soviet system.

21 Article 3.5 of the Resolution.

²² Article 2.3 of the Resolution. See also Section 5.3 of the Constitutional Act of 10 December 1991 concerning the rights and responsibilities of citizens and people.

- 23 Section 1 of the Act.
- 24 Section 3 of the Act.
- 25 Section 16 of the Act.
- 26 Section 2 of the Act.
- 27 Section 8 of the Act.
- 28 Section 9 of the Act.
- 29 Section 5 of the Act.
- 30 Section 10.3 of the Act.
- 31 Section 13.1 of the Act.
- 32 Section 5 of the Act.
- 33 Section 6 of the Act.
- 34 Section 14 of the Act.

35 Section 7 of the act. The organization and operation of this Council are governed by a Supreme Council decree of 8 January 1991.

- 36 Section 12 of the Act. 37 Section 10.1 of the Act.
- 38 Section 11 of the Act.
- 39 Section 13.2 of the Act.
- 40 Section 15 of the Act.
- 41 Section 4 of the Act.
- 42 Section 10.2 of that Act.
- 43 Section 1 of the Act.
- 44 Sections 6 and 7 of the Act.
- 45 Sections 4 and 8 of the Act.
- 46 Section 8 of the Act.
- 47 Section 9 of the Act.
- 48 Section 11 of the Act 49 Sections 12 and 13 of the Act.
- 50 Section 4 of the Act.
- 51 Section 13 of the Act
- 52 Sections 16 and 17 of the Act.
- 53 Section 20 of the Act.
- 54 Section 15 of the Act. 55 Sections 1 and 2 of the Act.
- 56 Section 2 of the Act.
- 57 Ibid.
- 58 Section 4 of the Act.
- 59 Sections 9 and 10 of the Act.
- 60 Section 5 of the Act.
- 61 Section 6 of the Act.
- 62 Section 3 of the Act.
- 63 Section 7 of the Act.
- 64 Section 8 of the Act.
- 65 Thid.
 - 66 Section 2 of the Act.
 - 67 Section 5 of the Act.
- 68 Section 11 of the Act.

TABLE 1

| | Total population | Latvian | Percent | Other | Percent | Slav | Percent |
|--------------------------------|------------------|-----------|---------|-----------|---------|-----------|---------|
| Year: 1935 1959 1970 1979 1989 | 1,950,500 | 1,472,600 | 75.5 | 477,900 | 24.5 | 233,400 | 12.0 |
| | 2,093,400 | 1,297,900 | 62.0 | 795,500 | 38.0 | 647,400 | 30.9 |
| | 2,364,100 | 1,341,800 | 56.8 | 1,022,300 | 43.2 | 853,000 | 36.1 |
| | 2,502,300 | 1,344,100 | 53.7 | 1,158,200 | 46.3 | 999,700 | 40.0 |
| | 2,666,600 | 1,387,600 | 52.0 | 1,279,000 | 48.0 | 1,117,300 | 42.3 |

Note.—Figures quoted by Bruno Mezgailis, in a report presented at a conference organised in Riga in September 1990 on "Prospects of the Latvian nation."

TABLE 2

| THE RELATIONS AND ADDRESS OF THE PARTY OF TH | Population in 1989 1 | | Composition of the Supreme Council elected in 1990 ² | | | | | |
|--|---------------------------------|------------------------|---|------------------------|------------------------|--------------------------------|--------|--|
| A CALLEGAR CONTROL OF THE PROPERTY OF THE PROP | Number | Percent | Number | Percent | Popular Front Group | Equality of Rights Group | Others | |
| Latvian | 1,416,704 935,150 122,050 | 51.77 34.17 4.46 | 140 45 3 | 69.65 22.39 1.49 | 124 2 1 | 8 41 2 | 8 2 | |

TABLE 2—Continued

| courses built company resultations, and form that would | Population in 1989 1 | | Composition of the Supreme Council elected in 1990 2 | | | | | |
|---|----------------------------|----------------------|--|--------------|------------------------|--------------------------------|--------|--|
| ad) and many of soft and land togging public action and soft and an alternatives of the soft of the soft and agent agreements, in | Number | Percent | Number | Percent | Popular Front Group | Equality of Rights Group | Others | |
| Ukrainian | 94,085 62,613 | 3.44 2.29 | 8 | 3.98 | 1 | 7 | | |
| Lithuanian Jewish Others | 35,670 23,625 46,887 | 1.30 0.86 1.71 | 3 2 | 1.49 1.00 | 3 | 1 | | |
| Total | 2,736,784 | 100.00 | 201 | 100.00 | 131 | 59 | 1 | |

¹ Figures provided by the press centre of the Supreme Council.
² According to the booklet "Latvijas Republikas Augstaka Padome", published in 1991 by the Chancellery of the Supreme Council.

The PRESIDING OFFICER. Does any Senator seek recognition?

Mr. PRESSLER. Mr. President. I sug-

gest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk pro-

ceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIFTIETH ANNIVERSARY OF ELLSWORTH AIR FORCE BASE

Mr. PRESSLER. Mr. President, I rise today to salute Ellsworth Air Force Base in South Dakota on the celebration of its 50th anniversary this year. South Dakotans are very proud of the important role Ellsworth Air Force Base has played in our Nation's military structure these past 50 years. During this time, Ellsworth personnel have participated in numerous military missions. Those missions include involvement in America's defense from World War II to Vietnam, and most recently, Operation Desert Storm.

Many changes have occurred during Ellsworth's half century of service. When the base opened, B-17 airplanes were stationed there for combat training purposes. Since then, Ellsworth has been home to B-29's, B-36's, and various B-52 models. Today, B1-B bombers are stationed at Ellsworth Air Force

When established in July 1942, Ellsworth Air Force Base was named Rapid City Army Air Base. South Dakota Senator Chan Gurney, along with then Congressman and later Senator Francis Case, had promoted Rapid City as the site of one of seven major new air bases. The base's primary mission at that time was to train B-17 crews for combat service in World War II. Following the end of World War II, the base began training weather reconnaissance crews.

Designated a permanent facility in 1948 with the 28th Bombardment Wing [28 BMW] as the host wing, Rapid City Air Force Base was home to B-29 airplanes. The following year B-36 aircraft replaced the B-29's.

An RB-36 plane, whose passengers included Wing Commander Brig. Gen. Richard E. Ellsworth, crashed in Newfoundland on March 18, 1953. All 23 crew members and 2 passengers aboard the plane were killed. In honor of General Ellsworth. President Eisenhower changed the name of the base to Ellsworth Air Force Base.

The base's B-36 aircraft were replaced by the new B-52 planes in June of 1957. Various B-52 models were stationed at Ellsworth for 30 years until

the B1-B bomber arrived in January 1987. I fought hard so that Ellsworth was the second base to receive B1-B's and the first base to operate both the B1-B and the KC-135 refueling aircraft together. Today, 28 B1-B bombers—nearly one-third of our Nation's B1-B

force—are stationed at Ellsworth. In the late 1950's, the base's mission was expanded to include land-based nu-

clear missile activities. The initial four Nike missile sites were soon replaced by Titan I missiles. In 1963, Minuteman intercontinental ballistic missiles [ICBM's] supplanted the Titan missiles. In 1971, the 44th Strategic Missile Wing [44 SMW] became the host wing at Ellsworth. Also, in the early 1970's, the Minuteman I missiles were upgraded to Minuteman II missile specifications.

For approximately 30 years, the 44 SMW has been responsible for operating and maintaining the 150 Minuteman missile sites which are scattered across 13,500 square miles of western South Dakota.

Currently, the Minuteman II missiles are in the process of being deactivated at Ellsworth Air Force Base. This deactivation reflects the changes occurring in our international situation and our strategic arms reduction efforts. However, for the past 30 years Ellsworth's missions have comprised 2 of the 3 legs of our Nation's strategic defense triad.

In July 1988, the 12th Air Division was activated at Ellsworth and Brig. Gen. Robert Marquette, Jr., assumed command of the base. For several months I had been lobbying Air Force officials to designate the Ellsworth commander position as the rank of general. I was very pleased when that change occurred and applauded Air Force officials for their decision.

In 1989 Ellsworth became the only triple-wing base in the Strategic Air Command when the 99th Strategic Warfare Wing was activated. This wing operates the Strategic Warfare Center, which trains Strategic Air Command

combat air crews. During the activation ceremony, one Air Force official called this facility the "premier training institution in the Strategic Air Command."

On September 1, 1991, the 28th Wing became the host unit at Ellsworth. Brig. Gen. Joseph C. Wilson, Jr., is the current commander of this composite

One of the most positive aspects of Ellsworth Air Force Base is its strong sister city relationship with the nearby community of Rapid City, SD. The Rapid City Area Chamber of Commerce has a very active military affairs committee which supports the base. The support of local community leaders is much more than just lipservice. Their actions speak for themselves.

For example, a few years ago community and base leaders went to work to address the serious problem of substandard housing for base personnel. With the help of the private sector, new military housing units were built at Ellsworth-housing that would have taken years to accomplish through the military construction budgetary process. In this time of budgetary constraints, this project could serve as a model for addressing the facility needs of other military installations.

During my years in Congress, I have enjoyed working with local community and base leaders on behalf of Ellsworth. I will continue to work with Air Force officials on additional missions for this premier military installation.

I salute the thousands of men and women who have been stationed at Ellsworth Air Force Base over the years for their sacrifices and service to our Nation.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The following colloquy between Mr. WIRTH and Mr. CHAFEE appears at this point in the RECORD by unanimous consent.)

RESPONSE TO MR. FITZWATER'S STATEMENT

Mr. WIRTH. Mr. President, I appreciate the distinguished chairman of the committee's taking the Chair while I spend a few minutes to respond this morning to a quite remarkable statement by the President's press secretary, Marlin Fitzwater.

Let me read from the release from the Associated Press this morning.

President Bush's spokesman today labeled Democratic Vice-Presidential candidate Al Gore as "Mr. Sellout America" for "telling the world how crummy America is" at the environmental conference in Rio de Janeiro.

Obviously, Mr. President, what is going on here is the game plan from the Republican Party has started in full and they are starting to dig dirt in excessive fashion, throw water on it,

and the mud flies.

Unhappily, this is about the only thing that they appear to be good at in this administration. They certainly have run out of gas on everything else. There is no position and no policy from this administration on the economy. What is going on is the economy is obviously dead in the water, as one economist after another has said, and there is no solution coming from this White House.

On the issue of cities, Los Angeles is more than 2 months behind us, and this administration still refuses and is incapable of responding to a cancer grow-

ing inside the country.

On the question of education, we have a vast number of young Americans who are becoming absolutely uncompetitive in the world, and the "education President" refuses to do anything about it.

In the area of health care, we know the health care budget is eating us alive, inflation is mounting dramatically, and we have not yet heard one proposal from this administration.

And the list goes on. And it certainly includes the environment on which the "environmental President" has become the laughingstock for the country and

for the world.

Those are the facts of the matter and what this election is all about, Mr. President, not misrepresentations of what happened in Rio, what happened with the Senate delegation in Rio, of which the distinguished presiding officer, Mr. BAUCUS, was a member, and what happened in terms of our collective Republican and Democratic representation of the United States. Partisanship, indeed, stops at the ocean's edge, and that was the case in what happened in Rio de Janeiro, not what Mr. Fitzwater said, calling AL GORE "Mr. Sellout America" and "telling the world how crummy America is."

Fitzwater and the administration were not even there to understand what was truly going on, as we saw the end of the cold war and the beginning, truly, of a new world order. Ignorance

was presiding. Willful ignorance presides consistently in this While House related to the issues such as we were discussing in Rio de Janeiro, the same kind of willful ignorance reflected in the President's press secretary's remarks:

"GORE here is Mr. Sellout America. He goes to Rio, spends a week telling the world how crummy America is, how we do not care about the environment, we don't care about anything," Fitzwater said.

Flat wrong. The Senate delegation, Republicans and Democrats, was in Rio doing the best possible job that we could do in supporting an administration and a country that was being beaten up by 154 countries—154 countries around the world were beating up on the United States of America, and this administration could not even defend itself down there.

There was a press conference, a press conference in which the world press was chasing the United States up one side and down the other. And it got so bad that I had to send a note up to the presiding representative from the State Department saying that I was there and I would be happy to help him defend the country, which they were incapable of doing, and he recognized me and I laid out the facts of a 20-year-old environmental record of the United States of America, a very distinguished record, which this administration was incapable of doing. This administration was incapable of telling the world what hundreds of billions of dollars of investment had been made by American citizens to clean up our environment. They could not even tell the world the job that we had done.

Crummy? America? We were not saying that at all. We were saying, "My lord, we have done a phenomenal job of investing in our environment," and this administration was incapable of even understanding that, much less take advantage of the extraordinary opportunity that we had in Rio, one op-

portunity after another.

For example, the world came to us, the G-7 countries, the developed countries; the G-77 countries, the developing countries; the island nations, they all came to us in the United States and asked us for leadership. And what did we do in the global climate change treaty? We fudged it, we weaved, we ducked, and we bobbed up one side and down the other. Everybody knows that. It is a matter of public record.

Why did we not take advantage of that opportunity? Why did we not lead instead of ducking behind the false choice the President kept referring to of jobs versus the environment, which he even finally admitted was a false

On the issue of the biological diversity treaty, here we were the only country in the world that refused to sign that, the only country in the

world that refused to sign that, did not even say what it was about, what potential there was there, what extraordinary opportunities there were for the U.S. economy, just treated it with the back of our hand. We went down talking about forest policy as if that was going to be a major factor in U.S. policy and U.S. approaches to the global environment.

But people said, "Well, what are you going to do with the forest policy in the United States?" We begged the administration to make some positive statements to do things like make some kind of a statement on below cost timber sales. We subsidize the ravaging of our national forests. It is beyond me. Why does the administration not make a statement on below cost timber sales? Why do you not do something really constructive and not a Swiss cheese policy on clear cutting? We would not do that. We tell the world to do one set of things, and we do not do it ourselves in our own backyard.

The list goes on of opportunities that were missed down there. But it was not this delegation that went to Rio that was missing those opportunities. It was not this delegation that was telling the world how crummy America is. It was this delegation that was standing up telling the world, or attempting to tell the world, in the face of the gale coming from the administration of misinformation, weaving, ducking, and bobbing, of trying to tell the world what, in fact, we have done and what leadership the United States has, in quite a glorious way, over the last 2 years, reflected.

Mr. President, obviously campaign time is underway. But I do think that the hyperbole, I do think that the rhetoric coming from the President's press secretary calling the Democratic candidate for the Vice Presidency "Mr. Sellout America," you know, is really stooping not only to a rhetorical low level, slipping right into the mud, but also making sure that we are covering over the true facts as to what happened and the wonderful opportunities that the United States was faced with in Brazil, opportunities which we so largely and so unhappily missed.

The true fact of the matter is that history will not treat the United States very well in the way in which we handled the opportunities there. It was, at many times, embarrassing to see how this administration missed opportunity after opportunity after opportunity, and the world was looking at us, shaking their heads and saying, "Who are these people and where are they coming from? What is wrong with them?" The same questions that are being asked by people all across the United States who are saying about the White House, "What is wrong with them?" And the answer is going to be, "Well, we are going to change them."

Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair. The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, apparently the distinguished Senator from Colorado was not on the floor yesterday when his elected leader deplored the fact that the floor of the Senate is being used for campaign speeches, speeches that ought to be given out on the campaign trail by the candidates.

I find it rather amusing, that those on the other side who deplore the fact that some on this side have given campaign speeches in behalf of their candidate suddenly find the same thing taking place. Here, out of nowhere, appears the Senator from Colorado delivery a scorching speech against the administration. The Senator from Colorado fully recognizing that the achievements of this administration are what count. What is going to count in the long run is what we do; not what we promise, or not agreements we enter into, or statements that we issue. What is going to count is how well we do as a nation. And the facts are that this Nation under this administration in the environment is making very, very significant achievements.

Let us tick them off. The Clean Air Act. The Clean Air Act amendments that were passed 2 years ago were possible because the President of the United States got behind that measure and enacted it and, therefore, we had these very, very significant achievements under the Clean Air Act, particularly in the area of CFC's, the area of chlorofluorocarbon restraints—an area I have been deeply involved with myself.

You cannot take that away. That was a George Bush achievement and we are proud of it. We are proud of what we have done in the Endangered Species

Act.

I was interested in the presentation made by the Senator from Colorado that in the course of talking about deploring what this administration is doing he never did mention that the Vice Presidential candidate on the Democratic ticket, a man who is proud of his environmental statements, was also one of the votes to undermine the

Endangered Species Act.

I wonder if the Senator from Colorado was aware of that. That when we came to the snail darter vote which—I was here. I do not know whether the Senator from Colorado was here at the time. I suspect he was. Obviously that vote came up in the past 8 years because the Senator from Tennessee, the junior Senator from Tennessee who is now running for Vice President and is proud of his environmental record, has not bothered to tell the world at large it was his vote, when push came to shove—it was his vote to undermine the Endangered Species Act.

Now the defense, I suppose, is—well, it dealt with something in Tennessee.

You cannot be for protecting endangered species except when you are dealing within endangered species in my home territory—Tennessee. There it was involved with a dam in Tennessee, the Tellico Dam. And the problem was that the Endangered Species Act would prohibit them from going forward with that dam. The dam had been nearly completely constructed. So the amendment was presented to set aside the Endangered Species Act because the snail darter was there in the path of the opening of the dam.

I voted against it; spoke against it unsuccessfully. But the Senator from Tennessee [Mr. Gore], now running for Vice President, proud of his environmental record—he voted to set aside the Endangered Species Act because—I suppose others can give the rationale, I do not know, he did not give his rationale—but I think we can all agree it was because it was in Tennessee where he is from.

I know the Senator from Colorado would deplore such action. But it is worthwhile bringing that up, since the Senator from Colorado started this off today. We had sort of a ground rule as of 6 last night—you can see how long it lasted; it did not last 12 hours—sort of a ground rule, we were not going to have political speeches here dealing with the campaign. But that, apparently, has been set aside.

The distinguished majority leader came to the floor and said let us leave that to the candidates out there on the trail. They are barnstorming the country. Let them talk about their programs. We in this Senate will concentrate on trying to do good things for the people of the United States; perform our duties, which do not involve making campaign speeches for the candidates.

I suspect we will see a lot more of campaign speeches. We will see the administration trashed, as the Senator from Colorado has just done—vigorously, as is his wont. And I suppose we will see the Democratic standard bearers trashed. I suspect I might join in that at some point, when the oppor-

tunity arises.

But meanwhile I hope we can get on with the measure before us which has nothing to do with the candidates but does have to do with trash. And that is, an environmental measure, in a way, we are trying to get passed. I hope, when it is before the Senate, those who have amendments would be coming to the floor. This is the time to present them, so we can get on with this bill and hopefully conclude it this evening.

The majority leader announced last night he is not going to spend much more time on this measure. Indeed, apparently we are going on the energy bill, and a cloture vote sometime in the latter part of this afternoon.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I made one misstatement. I suggested—I guess more than suggested—stated that the junior Senator from Tennessee was in the Senate when he voted to overrule the Endangered Species Act in connection with the snail darter. That was incorrect. He was in the House and took that vote in the House. He took the vote, but I suggested he was in the Senate. That was inaccurate.

In making that suggestion I said it was in the past 8 years. I think in fact it was prior to that because I can remember Senator Baker was here at the time and, of course, Senator Baker preceded Senator GORE coming to the Senate. In other words Senator GORE took Senator Baker's seat. So that must have been prior to the past 8 years.

The vote on the snail darter and the Tellico Dam probably was some 10 years ago. I am not exactly sure—about that period. The junior Senator from Tennessee at that time was in the House of Representatives. But, indeed he did take the vote that I said he did.

TODAY'S "BOXSCORE" OF THE NATIONAL DEBT

Mr. CRAIG. Mr. President, Senator HELMS is in North Carolina recuperating following heart surgery, and he has asked me to submit for the RECORD each day the Senate is in session what the Senator calls the "Congressional Irresponsibility Boxscore."

The information is provided to me by the staff of Senator Helms. The Senator from North Carolina instituted this daily report on February 26.

The Federal debt run up by the U.S. Congress stood at \$3,981,447,551,455.09, as of the close of business on Monday, July 20, 1992.

On a per capita basis, every man, woman, and child owes \$15,500.52—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to \$1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to \$4,511.40 per year.

TRIBUTE TO FATHER ALOYSIUS PLAISANCE

Mr. HEFLIN. Mr. President, I rise today to pay tribute to Benedictine Father Aloysius Plaisance, who died in Birmingham on April 24 of this year. I just learned of his death recently. He had spent this year celebrating his 50th year as a monk of St. Bernard's Abbey in Cullman, AL. Father Plaisance arrived at St. Bernard's in September, 1939 as a student at St. Bernard Junior College. He made his monastic profession as a Benedictine monk in July, 1941, and received his B.A. degree from Kansas' St. Benedict's College in 1944.

After completing his theological studies at St. Bernard Seminary, he was ordained by Archbishop T.J. Toolon in June 1947, and spent the next years in graduate studies at St. Louis University, earning his masters and doctoral degrees in history. In 1953, Father Plaisance was appointed chairman of the history department at St. Bernard College, and became its president in 1973.

Along with his long-time dedication to St. Bernard College, Father Plaisance had a wide range of interests and talents. He was active in the Alabama Historical Association, the Alabama Historical Commission, and the Alabama Academy of Science. He was a member of the Southern Historical Association, American Catholic Historical Association, and the American

Benedictine Academy.

Father Plaisance spent most of his adult life working in various capacities at the St. Bernard Abbey. He had recently set up a hobby shop, making walking sticks, bird houses, and feline houses. This shop was yet another example of his devotion to worthy causes. The revenue from this project went to help promote all aspects of the Ave Marie Grotto, a 4-acre park containing 150 replicas of world famous buildings. The part in Cullman has been included in the National Register of Historical Places, and contains such miniatures as the city of Jerusalem, St. Peter's Basilica, and the Pantheon.

Father Aloysius Plaisance is a figure in Alabama who will be sorely missed. His contributions to the abbey and his spiritual guidance were immeasurable; the impression he made on thousands of Alabamians will never be forgotten.

PERMANENT EXTENSION OF THE LOW-INCOME HOUSING TAX CREDIT

Mr. RIEGLE. Mr. President, I rise today to call on my colleagues to support the permanent extension of the low-income housing tax credit. The urban aid tax bill recently passed by the House would permanently extend this important program, and I urge the Senate also to vote for permanent extension when we consider our version of this bill in the coming weeks.

In March, the President vetoed a tax reform bill that contained a permanent extension of the low-income credit. In the next few weeks, we will have a second chance to enact such an extension. We should not allow this program, crucial to the supply of low-income rental

housing, to fall victim to election year politics.

Since its inception in 1986, the low-income credit has helped finance an estimated 816,128 units of low-income rental housing. Most of these units rent for less than \$450 a month. The credit is now responsible for the production of 120,000 units of low-income housing each year. Over the next decade, the credit will help preserve an estimated 620,000 existing low-income rental units.

Not only has the credit achieved its goals in the area of low-income housing, but also it has generated substantial economic benefits at a relatively small cost. The Joint Committee on Taxation estimates that permanently extending the program would cost \$2.4 billion. Since 1986, the low-income credit has generated \$44.6 billion in economic activity and has injected about \$16.6 billion into the economy annually.

annually.

Recent newspaper articles on the low-income credit have demonstrated the value of the program throughout the United States. I ask unanimous consent that the text of these articles be included in the RECORD at the end of

my statement.

The Los Angeles Times calls the lowincome credit "the primary Federal resource for financing new and affordable housing" and the "cornerstone of the numerous public/private partnerships that are increasingly the salvation of cash-short cities and States." The article points out that "in Los Angeles, where nearly 500,000 families spend more than half of their meager incomes on rent, tax credits have been used to build attractive townhouses in Watts. rehabilitate senior citizens' housing in Little Tokyo and finance apartments in poor areas such as Pico-Union and parts of East Los Angeles."

Many of these buildings offer child-care centers and other amenities rarely found in low-income apartment buildings. Also, these units are affordably priced. The editorial states that "rents typically range from \$175 to \$500 per month. That's a bargain in a city where a one-bedroom apartment normally costs about \$600 and thousands of poor families pay to live in garages."

Two articles in the Washington Post cite similar evidence. The first explains how Federal tax credits for lowincome housing apartments for low-income families with children have been used to stimulate private financing in the South Bronx. In the second article, the president of the Local Support Initiatives Coalition [LISC], one of the leading not-for-profit organizations in the housing field, describes how his organization "has used the tax credit provisions to raise more than \$400 million from U.S. corporations, enabling [LISC] to leverage additional public and private financing to produce more than 10,000 units of affordable rental housing nationwide."

The provision of new and rehabilitated affordable housing for low-income families has taken place in the South Bronx in New York, Liberty City in Miami, the South Side of Chicago, Anacostia, Los Angeles, and many other distressed areas across our Nation. The low-income credit has been one of the key factors in the revitalization of these urban areas. We cannot allow this effective tool to be lost.

Over 80 Senators are on record in favor of a permanent extension of the low-income credit, and the Senate Democratic Task Force on Community and Urban Revitalization, which I chair, recently endorsed permanent extension as well. The credit is a crucial weapon in the battle to keep America's communities vital and strong. I urge my fellow Senators to lend their whole-hearted support to the permanent extension of this program.

There being no objection, the material was ordered to be printed in the

RECORD, as follows:

[From the Los Angeles Times, June 2, 1992] HOUSING CREDIT EXTENSION IS A MUST—AND RIOTS TELL US WHY

The Los Angeles riots focused a national spotlight on the growing divide between rich and poor in cities across America. Nowhere is that gap illustrated more dramatically than in housing. In this comparatively wealthy nation, millions of poor men and women live with their children and sometimes their elderly parents in crowded or inferior housing; others live in housing that is decent but so costly that other areas of their lives must suffer severely; thousands more have no place at all to call home.

President Bush and Congress can cease this crisis by permanently extending the federal low-income housing tax credit before this investment incentive expires June 30.

The tax break deserves renewal because it remains the primary federal resource for financing additional new and affordable housing. It also forms the cornerstone of the numerous public/private partnerships that are increasingly the salvation of cash-short cities and states.

The credit typically generates funds used to construct or renovate at least \$100,000 apartments a year. Since being created by the 1986 Tax Reform Act, it has generated financing for more than 420,000 units of decent and affordable rental housing.

NO FREE RIDE FOR PUBLIC

Such a benefit, however, is not without cost to the public. In exchange for investing in the construction or renovation of long-term affordable housing, businesses gain a credit on their federal tax bills. The deferral of those taxes is expected to cost the federal Treasury up to \$1.5 billion over the next five years. That loss, especially significant in a time a burdensome federal deficit, fuels the argument against extending the tax credit, despite fairly strong bipartisan support.

President Bush in March vetoed a tax bill that contained a permanent extension of the low-income housing tax credit and other tax breaks. That was before the Los Angeles riots changed the political climate and put the problems of cities back on the national

agenda.

Now Congress is again considering extending the low-income housing tax credit as part of a sweeping urban initiative. The extension merits approval before the July 4th recess, before the July 4th recess, before politicians turn their attention first to the political conventions and then to the November elections. Any delay in the extension of the tax credit could cause a slowdown in housing production similar to the dip in 1990 when the credit was renewed for only nine months instead of a year.

Bush and others should consider the success of the low-income housing tax credit. In California tax breaks have been used to create more than 27,000 units of affordable housing, generating 17,000 jobs in the bargain.

Tax credits are allocated on the basis of a state's population. California typically receives more than \$35 million in tax credits per year.

The funds generated by those credits are funneled by real estate syndicates and community development advocates such as the Local Initiatives Support Corp. to nonprofit community developers and for-profit housing developers. The developers use the financing to create apartments, townhouses and the single-room-occupancy hotels that often provide refuge for men and women who had been homeless.

In Los Angeles, where nearly 500,000 families spend more than half of their meager incomes on rent, tax credits have been used to build attractive townhouses in Watts, rehabilitate senior citizens' housing in Little Tokyo and finance apartments in poor areas such as Pico-Union and parts of East Los Angeles. Many buildings include child care centers and other amenities rarely found in lowincome apartment complexes.

Family housing developed by the Concerned Citizens of South Central Los Angeles and the Second Baptist Church is scheduled to open this month on Central Avenue in the historical heart of South-Central. The two apartment buildings contain 40 units, a community room, a study area for children and benches to encourage Latino and black residents to get to know each other in the increasingly Latino neighborhood.

A BARGAIN AMID HIGH RENT

Other new housing built with tax credits includes apartments large enough for families with four or more children-the type of large apartments that are often impossible for low-income families to find. Yet these sought-after apartments cost no more than a third of the average income of their tenant families; rents typically range from \$175 to \$500 per month. That's a bargain in a city where a one-bedroom apartment normally rents for about \$600 and thousands of poor families pay to live in garages.

To keep pace with the growing demand, California must create 300,000 new units of affordable housing by the turn of the century. That task will be impossible without some form of federal assistance. But government alone cannot solve the affordable-housing crisis. It can and must nurture greater private investment in housing. That's why President Bush and Congress should extend the federal low-income housing tax credit.

POWER-HOUSING

Number of affordable housing units created by federal low-income tax credits in Califor-

| III. | |
|------|-------|
| 1987 | 2,497 |
| 1988 | 5,657 |
| 1989 | 7,960 |
| 1990 | 5,391 |
| 1991 | 9,122 |
| | |

Source: National Council of State Housing Agen-

[From the Washington Post, July 19, 1992] POINTS OF URBAN LIGHT

(By Paul Grogan)

The South Bronx sounds like an unlikely address for evidence of urban rebirth. So do Miami's Liberty City, or Chicago's Side, or Anacostia. But in these and dozens of other cities, a remarkable transformation is underway in neighborhoods that once were sunk in neglect and despair.

In place of burned out supermarkets stand thriving shopping centers. Renovated apartments providing affordable housing for working-class families have replaced abandoned buildings and crack houses. Instead of disinvestment and urban blight, these neighborhoods are marked by local investment, com-

munity ownership and renewal.

Twelve years ago, Miami's poor, predominantly African-American Liberty City neighborhood erupted in three days of rioting. looting and arson. Damage was estimated at \$150 million and many believed the area would never recover.

Fortunately, Otis Pitts Jr. and the Tacolcy Economic Development Corp. were not among them. Pitts and Tacolcy developed a shopping center, anchored by a national chain supermarket. They then turned to the neighborhood's acute housing shortage, producing more than 250 units of affordable rental housing.

Tacolcy's community-led initiative has spurred additional private development, including two new shopping centers. The effort is stemming the flight of youth that threatened the neighborhood's very existence.

On Chicago's South Side, the Neighborhood Institute has produced more than 470 units of affordable housing and developed a retail center and an artisans' incubator in an area virtually abandoned in the 1970s. Detroit's Church of the Messiah Housing Corp. is sponsoring the first new construction in 20 years in the struggling Island View Village neighborhood.

And in Anacostia, an area that lacked a major supermarket, health care or even adequate streets and sewers, the Marshall Heights Community Development Organization over the past 12 years has developed a shopping center with Safeway as an anchor, a center for attracting and nurturing startup businesses, and several units of affordable housing.

These developments all share one thing: They are the result of community-based initiatives. Local planning, local ownership and local control mean the developments reflect the real needs of the community, providing residents with not only ownership but a genuine stake in their neighborhoods. Community development corporations are successfully filling the void left by suburban flight, corporate disinvestment and federal spending and program cuts.

The efforts of community-based developers like Tacolcy are shifting the focus from Washington and policies hatched inside the Beltway to local solutions that address local needs. The community-based developers have been rebuilding America's distressed urban neighborhoods for more than a decade. Their stake in the well-being of the neighborhoods is high. And they are the best preventive of urban disorder because the homes, businesses, graffiti-free walls and newly planted trees belong to them.

Yet access to national resources is crucial to their efforts. While imaginative and creative locally based initiatives are necessary for community renewal, they cannot succeed solely on their own. The dynamism and success of community developers does not mean

government and business do not have an important role to play in community renewal. These efforts depend on the financial and technical resources government and business provide

Community developers have built a web of support for their efforts, involving major local and national corporations and philanthropies. The billions of dollars in privatesector loans, grants and investments have provided necessary financial help for community developers and allowed cities to stretch their own housing and economic development resources.

While such non-profit efforts cannot by themselves erase urban poverty, they serve as powerful models for urban transformation, exerting a catalytic effect on poor communities. Physical improvements are invariably accompanied by a changed spirit in residents, from being victims to being champions of a new way of life.

A 1991 study by the National Congress for Community Economic Development found that community-based developers produced more than 300,000 units of new or rehabilitated housing for 1 million low- and moderate-income individuals, developing 16.4 million square feet of retail, office and industrial space, making loans to some 2,000 enterprises and creating or preserving almost 90,000 jobs. This effort spanned the 1980s, with the bulk of the work done in the last five years.

While the Great Society programs of the 1960s had many positive results, they also showed the limitations of the top-down approach. But the federal government does have a role, mostly through flexible programs that support and encourage community initiative. These programs-tentative, tenuous and underfunded-must be fully funded if the hope generated by the community development movement is to blossom.

Two ideas dominate discussion: enterprise zones and tenant ownership of public housing units, or HOPE. These are pet projects of President Bush and Secretary of Housing and Urban Development Jack Kemp. These initiatives ought to be tried. But more, much more, can be done.

The Community Development Block Grant program should be doubled beyond the administration's proposed 1992 funding of \$2.9 billion. This program, enacted in 1974, provides grants to cities and states for infrastructure, economic development and housing. It has been cut by almost 50 percent in constant dollars since 1980, when \$3.8 billion was appropriated.

The federal government must vigorously enforce the Community Reinvestment Act, which mandates that banks serve the credit needs of low-income communities. The act. passed in 1977, faced bitter opposition but now receives at least grudging cooperation from most regulated financial institutions and is the chief bulwark against "red-lining" or discriminating against poor neighborhoods seeking loan dollars for community

development.

The low-income housing tax credit, enacted in 1987, provides corporate tax credits for investment, in rental housing construction and rehabilitation for the poor. It has become the primary tool for producing affordable housing in America, producing some 400,000 units of housing since enactment. And yet it will expire this summer unless Congress and the president act to make it permanent.

My organization, through the National Equity Fund, has used the tax credit provisions to raise more than \$400 million from U.S. corporations, enabling us to leverage additional public and private financing produce more than 10,000 units of affordable rental housing nationwide. This important resource will be lost if the government allows the tax credit to expire.

Finally, there is the 1990 National Affordable Housing Act, which contains both Kemp's HOPE initiative and HOME, a program of housing grants to states and cities. HOME has allowed localities to craft their own housing strategies and leverage additional private investment-both directly beneficial to community developers. However, the administration plans to cut HOME by more than half of its 1992 level of \$1.5 billion. It must be funded at least at its original authorization of \$2 billion

These programs are by no means all that needs to be done. But they represent a down payment on a new urban strategy-one that rests on bedrock values of local initiative and private investment and is led by the people with a vested interest in the life of their neighborhoods-community devel-

opers.

[From the Washington Post, July 19, 1992] SOUTH BRONX CHEER: A MIRACLE GROWS AMID THE RUBBLE

(By Jodie T. Allen)

NEW YORK .- Postmodern miracles don't happen overnight. But they do happen. I visited one last week in the South Bronx, just north of the island where thousands of Democratic conventioneers were endorsing a platform and a ticket that they hoped would give their party a fresh, fresh start. If an urban policy is part of that renewal, the South Bronx wouldn't be a bad jumping-off point.

If you've never been to the South Bronx, or not for a generation, you can't really appreciate its otherworldly appeal. After all, what's so miraculous about several square blocks of pastel-colored bungalows with neat lawns and gardens and wrought-iron fences? stretching beyond them, blocks of efully renovated low-rise apartments tastefully renovated low-rise separated by tidy pocket-parks, or newly constructed senior-citizen and low-income family townhouses and multiple family units? Or, for that matter, a lush multi-acre park with two jungle-gymed play-grounds filled with kids and a recently refurbished set of tennis courts?

But you would recognize the miracle if, like me, you remembered standing on Charlotte Street a decade ago. Back then, I listened politely as Ed Logue, then head of the South Bronx Development Organization, described the suburban-like community of working families that he saw sprouting and spreading from the lone single-family home that stood there. Beyond it, stretched a

moonscape of rubble.

In those days, the entire South Bronx looked like Dresden after the firebombing. Here and there a few owner-occupied rowhouses put up a brave front with newly painted facades and geraniums in window boxes. Occasional clusters of renovated units spoke of the efforts of local churches and community-based organizations to push back the blight. But the dominant reality was acres and acres of bulldozed housing and blocks and blocks of still-to-be demolished five-story walk-ups-stripped of plumbing, fixtures, wallboards and even window sills by addicts who had traded these commodities for drugs. Logue tried hard to be optimistic. but his funding was drving up as the Reagan administration cut back federal housing and job money. I tried hard to be enthusiastic, but it all seemed pretty hopeless to me.

Fortunately, the community-based groups whose efforts seemed almost pathetic then had far more faith than I. Among the most successful were the Mid-Bronx Desperadoes, which took its name from its founders' combined despair and determination, and Banana Kelly-which sought initially to reclaim one curved block of Kelly Street from the bulldozers. It was a time in the 1970s when the city government was rumored to be planning a "triage" approach to rationing city services that would have abandoned lost-cause areas entirely.

"You have to have lived through it." says Yolanda Rivera, Banana's executive director, who recalled "the meetings all night, the endless negotiating." It took all that to halt the abandonment of buildings and to convince a bevy of federal, state and city officials to let Banana begin the ardous task of assembling properties, routing out the drug dealers that often controlled major parts of still functioning apartment buildings, temporarily relocating the tenants and renovating the buildings.

Postmodern miracles take a lot more patience and ingenuity than the overnight successes promised by 1960s do-gooders. "You have to be ready to mix it up," says Marc Jahr, program director of the New York office of the Local Initiatives Support Corporation (LISC), a nationwide foundationsupported organization that has provided both money and managerial assistance to community development groups in the South Bronx.

The first things stirred together were funding sources. The various projects in the area-from special housing for the elderly disabled, apartments for low-income families with children, detached units for working couples and even a special dormitory project now being built for high school kids whose families have abandoned them-garner direct and indirect financing from a host of private and public sources. These included federal tax credits for low-income housing used to stimulate private financing, federally financed vouchers for certain tenants and a hefty slug of state and local government subsidies

Another stirred ingredient is the type of people and projects. "We don't want to recreate economic ghettos," says Jahr. Although more than 40 percent of people in the area receive public assistance in one form or another, the newly built single-family homes have attracted substantial numbers of moderate income families. On a given block, privately-owned houses site side-by-side with small scale projects for the elderly, singleparent families or the once-homeless. When Banana Kelly developed a project for the homeless on Fox Street (once called by thenmayor John Lindsay the "toughest block in New York" but now a neighborhood of wellkept brick and stone townhouses thanks to a Banana "homesteading project"), the project managers selected the first five families for the unit and then let those families select the other occupants. They also consulted with the new tenants on the type of supportive services they needed, with the result that Banana Kelly is now planning a multi-service adult literacy, day-care project across the street.

"Physical development is only part of the process," says LISC communications director Joan Lebow. "Giving people a stake in their own community is even more important."

Graffiti control, for example, is high on the Mid-Bronx Desperadoes' list of musts. "Taking down graffiti the moment it goes up

sends a message that the kids in the neighborhood are under control," says Desperadoes executive director Ralph Porter. So superintendents like Juan Rodriguez keep a "Code of Living Respect" posted conspicuously in their tidy lobbies and if any kids start acting up outside the building, "I get on them right away," says Rodriguez. "A good super is 70 percent of a building," adds Marc Jahr.

The South Bronx is not yet Middle America, Privately owned eyesores still dominate whole blocks of the area, their landlords unwilling to make improvements, given rent control and the limited resources of their tenants. There are not enough local jobs, although the subway makes all five boroughs easily accessible; and LISC is trying to persuade a major supermarket to locate near Charlotte Gardens so residents will not have to depend on the often expensive and poorly stocked groceries that line the still shabby

commercial strips. But the scale of the accomplishment is as-

tonishing. But rough measure, more than 11 square miles of all-but-dead urban terrain has been brought back to life-and not just to a state of dreary morbidity. What strikes a visitor most is the cheeriness of the reconstruction-the varied design, the bright colored shutters, the window boxes and flower pots-all of this covering perhaps half of that amorphous (and once expanding) concentration of blight that was the South Bronx at its worst.

On a sunny day, the streets are clean and quiet. Are they safe? "There are safer communities," says Jahr, "but you don't feel an

edge in these streets anymore."

Taking off the edge can be an expensive proposition—a river of federal, state and local tax and direct subsidies still runs through the South Bronx. And its vitality depends-perhaps even more-on the energy and commitment of the community groups that kept that money from being wasted. But the kids who grow up here are going to feel the difference, says Jahr. "We're in this for the long haul."

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for morning business is now closed

EXTENSION OF MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent that morning business be extended to accommodate the statement I am about to make.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recog-

nized.

Mr. BAUCUS. I thank the Chair.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 2997 are under located in today's RECORD "Statements on Introduced Bills and Joint Resolutions.")

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, the period for morning business is closed.

INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE ACT 1992

The PRESIDING OFFICER. The Senate will now resume consideration of S. 2877, which the clerk will report.

The legislative clerk read as follows: A bill (S. 2877) entitled "Interstate Transportation of Municipal Waste Act of 1992."

The Senate resumed consideration of the bill.

Pending:

(1) Coats amendment No. 2731, to allow existing contracts on interstate municipal waste shipments to be abrogated.

(2) Chafee amendment No. 2732 (to amendment No. 2731), to establish that nothing shall be construed as encouraging the abrogation of written, legally binding contracts for disposal of municipal waste generated outside the jurisdiction of the affected local government.

The PRESIDING OFFICER. The Senator from Montana [Mr. BAUCUS] is recognized.

Mr. BAUCUS. Mr. President, we are back on the interstate transport bill. The pending amendment is the Coats amendment with respect to abrogation of certain contracts. We have been negotiating with that amendment, Senator Coats and Senator Lautenberg in particular. I think we are making tremendous progress. We are not quite there yet on a resolution, but we are getting very close to the resolution.

It is my hope that within the next several minutes, perhaps 15 or 20 minutes, we could resolve this and that would not require a recorded vote. We could voice vote that, and then get on to other amendments on this bill.

I urge Senators to be ready to come to the floor quickly with their amendments upon the resolution of the Coats amendment, because we do not have much time within which to pass this bill.

The majority leader has noticed the Senate that at the conclusion of business today, we will move to a cloture vote on the energy bill. And if the interstate bill is not finally passed by the close of business today, whether or not we return to the interstate transport bill depends very much upon how much progress we have made to date on the interstate bill.

If we do not make much progress today on the interstate bill, as manager of the bill, I will be inclined not to bring the bill back up this year. If we make great progress on the interstate transport bill today, but we do not yet fully complete our business and pass the bill today, then I will be more inclined at a subsequent date to ask the majority leader to bring the interstate transport bill back.

But I remind Senators—and I am putting all Senators on notice—that the degree to which we make progress on the interstate transport bill today really depends on two factors: One, how quickly we resolve the Coats amendment; and second, how quickly other

Senators come to the floor upon resolution of the Coats amendment, if we do resolve it, and how quickly we deal with those amendments, as well.

So I urge Senators to be ready with amendments in the event we can resolve the Coats amendment fairly

quickly.

Again, if we do not resolve either the Coats amendment or we do not resolve other amendments in one way or another today, it would be my inclination as manager of the bill to suggest to the majority leader that we do not bring back the interstate transport bill this year because, in my judgment, given the few remaining days left in this session and the press of other business, it would not be fruitful for us to resume consideration of the interstate transport bill.

The PRESIDING OFFICER (Mr. WIRTH). The Senator from Indiana [Mr.

COATS] is recognized.

Mr. COATS. Mr. President, I thank the Senator from Montana for his continued assistance in this effort to move an interstate waste bill through the Senate. As Senators know, we have been negotiating long and hard in an effort to resolve outstanding differences on this particular piece of legislation. I think we may be close to doing so.

I know there are other Senators, as Senator BAUCUS has suggested, who have amendments. But I would just want to reiterate and affirm what the Senator from Montana has said. If Senators are interested in dealing with this issue this year-and many are from States that are either recipients now or potential future recipients of out-of-State trash-if they want legislation this year that will give their States and their communities the authority to make a determination as to how much, if any, and what levels of trash they want to accept from out-of-State sources, if they want that authority to go to those States this year. we need to act on this bill today.

So I also urge Senators who may have amendments to this bill to be prepared to come to the floor so that we can dispose of those amendments in a timely fashion. The majority leader has been more than generous in giving us 3 full days to debate this, and those days have gone into evening hours.

But with the small number of legislative days remaining before this body, and the fact that all of the appropriations bills and a number of other important pieces of legislation remain to be decided, we need to do this today.

And so, if you are a Senator from a State that is concerned about giving your State the authority to deal with this problem, we need to move on this. We cannot get bogged down in non-related amendments. We cannot get bogged down in amendments that will push this past a reasonable hour, which the majority leader has given us to conclude debate on this.

We hope to have a resolution of the Coats amendment within moments. And at that point, if that is successful, we will be prepared to move to other amendments.

So I urge, along with Senator BAU-CUS, our colleagues be prepared for that eventuality.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAU-TENBERG). Without objection, it is so ordered.

SALUTE TO ROSE KENNEDY

Mr. DOLE. Mr. President, no doubt about it. This is the year of family values. You hear it from politicians. You hear it in the media; you hear it from the people.

There is, in fact, a growing consensus in America that we will not get a handle on some of the troubling problems of our time—drugs, crime, teenage pregnancy—until the family regains the prominence it once heid.

Today, it is my privilege to extend birthday greetings to someone whose very life is a testament to the impor-

tance of families.

It is my privilege to extend birthday greetings to a remarkable woman, a woman who as a loving wife, mother, grandmother, and great grandmother, has inspired not only her family, but countless other families, for generation after generation.

Those of us born on this day know that July 22 will always belong to the woman of whom I speak.

This day will always belong to the mother of the senior Senator of Massachusetts, Mrs. Rose Kennedy.

Mr. President, I yield the floor. The PRESIDING OFFICER. The ma-

iority leader.

Mr. MITCHELL. Mr. President, I join my colleague in extending birthday greetings to Mrs. Kennedy, one of the truly extraordinary women in 20th-century America, a person who has seen more than a lifetime's share of triumph and tragedy and having led a long and incredibly full life and looked with pride on the many accomplishments of an extraordinary family, and we are pleased, of course, to join with all of our colleagues in extending to Mrs. Kennedy a happy birthday.

BIRTHDAY GREETINGS TO SENATOR DOLE

Mr. MITCHELL. Mr. President, I make note of the fact that this is the birthday for many other Americans including our esteemed and distinguished

colleague, the Republican leader himself, Senator DOLE.

He is someone with whom I had the pleasure and privilege of working with closely as majority leader over the past 3½ years and, while we regularly disagree, indeed almost daily disagree on some things, that disagreement has never been personally disagreeable and it has always been conducted within the bounds of restraint and civility which our democracy and this institution demands.

I know that I can speak for every Senator on this—there are very few occasions on which I can speak for every Senator, but this is one of them—in extending to our colleague, Senator Bob DOLE of Kansas, our best wishes on his birthday, as well.

Mr. DOLE. Mr. President, I am reminded that it is also the birthday of my colleague from Delaware, BILL

ROTH.

What we have done in my office, to make it more acceptable to me, is everyone on my staff who has a birthday in July, we have averaged the ages; and this is my 47th birthday. If you do it that way, it works out fairly well.

I thank the majority leader.
Mr. COATS addressed the Chair.
The PRESIDING OFFICER (Mr. PRYOR). The Senator from Indiana.

Mr. COATS. Mr. President, I am sure those observing the work of the Senate today, both in the gallery and by television, if anyone is left watching by television, wonder if the Senate does anything other than congratulate each other on their birthdays.

I join in the congratulations of our distinguished minority leader on his

47th birthday.

Occasionally, I assume that observers of our actions here see groups of Senators huddling fervently with staff. There are, despite the lack of activity on the floor, serious negotiations underway relative to the bill that we currently are addressing. They take place back in the Cloakroom of each party; sometimes here on the floor; sometimes back in the hall behind the Chamber here.

This negotiation has been going on now for a day and a half over a bill which the Senator from Indiana has been attempting to join with the Environment and Public Works Committee in passing, dealing with the subject of interstate shipment of municipal solid waste, otherwise known as garbage.

We have been very close now for a period of many hours at resolving the critical problem that exists with this legislation. It is what may appear to some to be a minor point. It is an essential point. It goes to the very heart of what this legislation seeks to acceptable.

complish.

Without a successful resolution of this, this bill will not go forward, despite 3 long days of debate. And that would be a tragedy, because now for

nearly 3 years we have been attempting to address a very serious problem. The problem is the unwanted shipment of trash on an interstate basis to States with a landfill capacity that is needed for their own disposal in their own landfill. I hope we can resolve that.

In the meantime, as someone who in a former life directed his church choir, albeit a very small choir, I wish I could fill the time by asking the gallery to join us in a "happy birthday" to the distinguished Americans that were listed. But obviously that would be a violation of the Senate rules, and I will not do that.

I will extend my congratulations to Mrs. Kennedy and Senator DOLE and Senator ROTH for achieving another milestone in their distinguished ca-

I yield the floor.

THE 102D BIRTHDAY OF ROSE FITZGERALD KENNEDY

Mr. KENNEDY. Mr. President, earlier today Senator MITCHELL, Senator DOLE, and a number of other Senators offered their congratulations to my mother on her 102d birthday, which is today. I want to take this opportunity to express my gratitude to them on her behalf. We plan to have a small family celebration this weekend in Hyannis Port.

Mother has been an inspiration to our family all her life. She continues to inspire us every day, and I know she will be deeply grateful for the kind words and warm thoughts of my col-

leagues.

As many Members are aware, mother's birthday is the same day as the birthdays of our distinguished minority leader, Senator DOLE, and our distinguished colleague from Delaware, Senator ROTH. Mother is aware of that, too, and she asked me to offer them both many happy returns.

"Tell that nice young BOB DOLE and BILL ROTH not to worry about these birthdays," mother always says—"they won't slow down for another 20 or 30

years."

Mr. LAUTENBERG. Mr. President, I wonder if I might ask the Senator from Massachusetts to yield for just a minute to congratulate him as well, and his mother, and the whole of the Kennedy family for their distinguished service to our country. I think what we have seen is something of a miracle, in the fact that Mrs. Rose Kennedy, someone I have met on a couple of occasions, has survived some of the most difficult moments a parent could and has seen some of the greatness that her children have brought to America. She has seen it all, and she continues to carry on. We wish her many more happy years and commend Senator KENNEDY for carrying on faithfully in the Kennedy tradition.

Mr. KENNEDY. I thank the Senator. My mother was born in 1890, which was

the year of the Battle of Wounded Knee, the last great battle of the Indian wars. The President was Benjamin Harrison, who fought in the Civil War. Her 102 years have been almost exactly half the life of the country. I will not take the time of the Senate to give other interesting facts of her life, but she continues to be an extraordinary inspiration to her children, her grand-children, and her great grandchildren. I thank the Senator for his comments.

ROSE KENNEDY'S BIRTHDAY

Mr. BYRD. Mr. President, with all of our colleagues, I join in saluting Mrs. Joseph P. Kennedy—known to millions upon millions of people worldwide as "Rose"—on the occasion of her 102d birthday.

I do not need to recall the obvious. Mr. President-that the Kennedy family is one of the most distinguished families in American history, nor that John and Robert Kennedy stand as two of the most inspiring political figures of their generation, nor that this country owes an irredeemable debt to the Kennedy family for its contributions to our national life-I do not, as I said, need to recall the obvious in expressing to Mrs. Kennedy the esteem in which she is held in her own right as an inspiration to us all as a wife and mother, as a woman of incomparable personal grace and wisdom, and a challenge to anyone wanting to live significantly.

Indeed, Mrs. Kennedy has lived roughly one-half the age of our Republic. The Senate met for the first time in 1789, and this is 1992. Mrs. Kennedy has not only witnessed, but has been a participant or near-participant in, some of the most momentous events of this century. If there were ever such a person, Mrs. Kennedy is the one meant when we say that someone is "univer-

sally beloved."

To Mrs. Rose Kennedy, to our very distinguished colleague, Senator ED-WARD KENNEDY, and to all of the members of the Kennedy family, then, I wish Mrs. Kennedy the very happiest of birthdays, and express to her the esteem of a nation of 250 million Americans on her special day.

INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE ACT OF 1992

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, as I indicated last evening when the Senate recessed until today, there have been continuing intensive negotiations between several of the interested Senators in an effort to resolve the matter that is now the subject of the pending amendment and the bill.

I am advised today, just a few minutes ago, that considerable progress is being made, and it remains my hope and expectation that we will be able to dispose of this matter and this bill today.

Under the previous order, to which I have referred on several occasions, before this day is over, I will exercise the authority granted to me by unanimous agreement of the Senate to set a vote on the motion to invoke cloture on the motion to proceed to the energy bill.

I will consult with the distinguished Republican leader before fixing the time, but it will be before the day is over. It is my hope that these negotiations will be completed, and we could complete action on this bill during the day today.

In the meantime, no action by the Senate is possible until the issue which is the subject matter of the pending amendment is resolved. I hope that will

be completed soon.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SAN-FORD). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I

Mr. BAUCUS. I object.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call—

Mr. BAUCUS. Mr. President, I object. The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. I have not finished

my request.

The PRESIDING OFFICER. The Clerk will continue to call the roll. The Senator from Pennsylvania is recognized.

Mr. SPECTER. If I may be permitted to finish my request, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LAUTENBERG. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The assistant legislative clerk continued to call the roll.

Mr. SPECTER. Mr. President, I ask that further proceedings under the quorum call be dispensed with.

Mr. LAUTENBERG. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The clerk will continue to call the roll.

The assistant legislative clerk continued with the call of the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without

objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senator from Pennsylvania be allowed to address the Senate on this subject or any subject on which he wishes to espouse upon for 15 minutes without any Senator making any motion.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. I object to that, Mr. President. I have already said I have no intention of making a motion. I just ask leave to speak. I do not expect to speak longer than 15 minutes. But I would ask that I be permitted to speak on the pending bill.

The PRESIDING OFFICER. Is there

objection?

Does the Senator from Montana withdraw his request?

Mr. BAUCUS. I withdraw the request. The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thought it might be useful to acquaint other Senators with the status of the pending legislation in an effort to try to move through to either a vote or some accommodation on the pending complex issues.

We have a very serious problem in the United States concerning municipal solid waste being exported from one State to another. The States may not limit that exportation of waste under the Constitution unless there is an expressed grant authority of the Con-

A number of us, including the distinguished Senator from Indiana [Mr. Coats] are seeking to have an expressed grant of authority of the Congress of the United States so that States may limit the amount of municipal waste which is transported interstate. The State of Pennsylvania has been victimized by a very high level of imported waste from a number of States, especially the State of New York and the State of New Jersey.

There is a provision in the pending legislation which grants exception for existing contracts. The distinguished Senator from Indiana [Mr. CoATS] proposed an amendment which would strike the language exempting existing contracts between private parties because with contracts running up to 25 years, the legislation would in reality have no effect.

We are faced with negotiations under a difficult situation from the point of view of the States of Indiana and Pennsylvania since there has been a statement made that we will not proceed to any cloture considerations unless a compromise can be worked out before the end of the day, that the bill will not be further considered. At least that is my understanding of what the prognosis is.

That places my State at a considerable disadvantage in terms of the negotiations, and there is something to be said for the proposition that any bill is better than no bill because any bill does at least impose some limitations.

But as I look at the opportunity for compromise, it would leave Pennsylvania subject to imports up to the 1991 level which are horrendous for the

State of Pennsylvania. There have been further efforts to give States the option to freeze the import amounts at twice the first 6 months of 1992 imports. We know that on the basis of the imports of the first 3 months of 1992 that there was an enormous increase for Pennsylvania, figures which I stated on the floor yesterday, about a 42-percent increase.

So on the pending lines of compromise, Pennsylvania would be subject to enormous imports of municipal waste, especially from New York and New Jersey.

Customarily, on this procedural basis, there would be an opportunity for cloture so that the amendment by Senator COATS could be voted upon. When Senator COATS brought a similar amendment to the floor not too long ago there were 68 Senators in favor of granting States the authority to ban any importation of municipal waste. Senator COATS has advised me-and he is on the floor to speak for himselfthat there are other Senators who have joined. So that it is his expectation there will be more than 70 Senators who are prepared to support his amendment, which is less stringent than the one which was voted for by 68 Senators in the past.

I understand that there are other Senators who are opposed to having a vote on Senator Coats' amendment. There are a variety of procedures to stop the Coats amendment from coming forth to a vote. Other Senators have the full right to do as they choose on the matter. The majority leader has the prerogative to establish the calendar for the Senate. But whatever is done here will be done in full public scrutiny with the facts at hand.

I submit to my colleagues in the Senate and to the country that with the facts at hand States like Pennsylvania and Indiana are being unfairly treated.

But it is just not right for some States not to have imposed a limitation on the amount of municipal waste they are shipping out-of-state. There are a number of landfills in Pennsylvania, receiving imported waste and it is unfair to my State. Senator COATS has been the leader here, contending in the past that it is unfair to his State, the State of Indiana. I backed him on his amendment some time ago, with 68 U.S. Senators who agreed that it was unfair and there ought to be a limitation. They intended that Congress ought to grant express authority to the States to stop other States from unfairly bringing municipal waste into their States. I would like to see a vote on the Coats amendment. I think that is a matter of basic fairness.

I am prepared to make some accommodations here, because I am not unaware of the fact that if legislation is not enacted now, and the bill is removed and not brought up, that there will be no limitations at all. But in the

context of having limitations based on 1991 levels, while perhaps better than no limitations at all, such limitations are so slight as to raise a real question in my mind as to whether it is not better to bring this issue to the public, with all Senators taking whatever positions they decide they wish to take, and await another day. I am not sure. But I would appreciate the positions of other States, where they are being victimized by dumping of municipal waste, on what goes on at the present time.

I thought it would be useful, Mr. President, to take the floor to make this statement and try to move along the process of the Senate so that the Senate can work its will.

It is my hope that we can structure a vote on the Coats amendment. If other Senators wish to filibuster, wish to delay that vote, it is possible, of course, sometime in the proceeding for Senator Coats to move to table his own amendment or for some other Senator to move to table that amendment. But I hope that other Senators will join in these discussions.

There are many Senators—in excess of 70—who would like to get a vote, and think the position of the Senator, as articulated, is a matter of basic fairness for his State. It would also be a matter of basic fairness for my State.

I know I have not used the full 15 minutes, but that is all I have to say at the moment.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Is there objection?

Mr. GORTON. Mr. President, I ask unanimous consent to proceed for 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is granted 10 minutes.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Mr. GORTON. Mr. President, yesterday the Energy and Water Development Appropriations Subcommittee completed work on its fiscal year 1993 appropriations bill. The bill is important to the Nation for many reasons, most obviously for the resources it provides for energy production, supply, research and development. The bulk of the nearly \$23 billion funded in this bill go for energy-related programs.

Though the Army Corps of Engineers and the Bureau of Reclamation receive only a fraction of the funds appropriated by the bill, these funds are for a purpose which, in many respects, is no less important. The Federal water resource development program funded by this bill provides lasting benefits to the Nation in the areas of flood control, municipal and industrial water supply, irrigation of agricultural lands, water conservation, commercial navigation, hydroelectric power, recreation, and fish and wildlife enhancement. This bill will help ensure that one of our most abundant and valuable natural resources—water—is used efficiently, to the benefit of our economy and our environment.

The water development section of this bill is extremely important to the State of Washington. It provides more than \$85 million to Washington for the construction of water-related projects, ranging from the Grays Harbor general navigation project to the construction of irrigation facilities in the Columbia Basin. Existing facilities like the Chief Joseph Dam, Ice Harbor Lock and Dam, and Mud Mountain Dam will receive more than \$95 million for their continued operation and maintenance.

I am extremely grateful for the subcommittee's support. Two items in subcommittee's mark are particularly worthy of note: the Chehalis River south side dike and compensation for drawdowns on the Snake River.

The Chehalis River south side dike is primarily located in Aberdeen, a small city in western Washington with a population of about 17,000 and per capita income of approximately \$13,000 per year. The city's economy is timber dependent and, as a result of reduced timber harvesting, unemployment in the area exceeds 13 percent. Aberdeen is working on its economic recovery and the south side dike is an important part of that process. Not only will the south side dike eliminate serious flooding conditions, it will provide much needed jobs, as well as increase land values and development potential.

Unfortunately, delays by the Army Corps of Engineers during the last 2 years have threatened the future of the project. These delays increased the total cost of the project and unfairly increased the city's cost share. Having already held a levy to raise its required share of the project, the city of Aberdeen was left without means for generating the additional funds required by the delays.

Recognizing that this important project, and the Federal Government's investment for planning and development, was in jeopardy by virtue of Government inaction, the subcommittee wisely allocated funding from the appropriate account enabling the project to remain on schedule. This action will reduce the cost to both the city of Aberdeen and the Federal Government.

I am pleased that this project will move forward and commend the people of Aberdeen for their hard work and

In no area of the bill did the State of Washington, and the Northwest generally, receive a greater concentration of funding than in fish and wildlife enhancement.

Specifically, the bill provides \$45 million to fund modifications to dams on the Columbia River for the juvenile fish bypass system; \$3.2 million is appropriated to complete the installation of fish guidance improvement systems, including lowered fish diversion screens, streamlined trashracks, and turbine intake extensions at the Bonneville Second Powerhouse. Over \$11 million is appropriated by the bill to continue construction of fish hatcheries, wildlife conservation facilities, wildlife land acquisition, and cultural resource preservation in the Columbia

Yet, one fish-related item smaller than all the aforementioned is more significant, if for only symbolic reasons, to the people of the Northwest. This is the \$2 million to compensate for damages that resulted from the drawdown of two reservoirs on the Snake River earlier this year.

Last March, the Army Corps of Engineers conducted a 1-month drawdown test of the reservoirs behind the Little Goose and Lower Granite Dams. This test was conducted to obtain information that could be used in the development of a recovery plan for several runs of salmon listed as endangered under the Endangered Species Act.

Unfortunately, the test answered few questions and provided little information which will benefit fish. In fact, due to the absence of salmon in the river during the test, many of the same biological questions that were to be posed before the test remain today. What information was derived from the test demonstrated that drawdowns have very real and tangible costs to the people of the Northwest.

The most obvious costs are the physical damages related to the test. An estimated \$2 million in damage to public and private property and facilities resulted from the test. This damage ranged from severe cracking on a county road to the almost complete destruction of a private marina. This test was conducted by the Federal Government and the Federal Government has a responsibility to compensate for the damage it caused. I hope the Corps of Engineers will act expeditiously in disbursing these funds and redressing the individuals innocently impacted by this test.

This appropriation sends a strong message that, while saving species is an important and worthwhile goal, it must be done in a scientifically sound and economically balanced manner. It further demonstrates that the Federal Government will not stand by while a major resource for transportation, agriculture, energy, and recreation in the Northwest is rendered inoperable. Until

drawdowns are shown to be scientifically sound, and not simply politically expedient—as they appear to be—I will oppose them.

Mr. President, I appreciate the good work of the subcommittee and look forward to consideration of this bill by the full committee this afternoon.

Mr. SYMMS addressed the Chair.
The PRESIDING OFFICER. The
Chair recognizes the Senator from
Idaho.

Mr. SYMMS. Mr. President, I ask unanimous consent that I might proceed for not to exceed 10 minutes as though in morning business.

The PRESIDING OFFICER. Without

objection, it is so ordered.

Mr. SYMMS. Mr. President, first, I would like to commend the Senator from Washington State for his remarks, and I concur totally with him on the point that he makes about the damage that was done to private property owners because of a governmental policy, and there should be just compensation for those people and I support it. I believe that he is right on target as usual.

PARTISAN POSTURING

Mr. SYMMS. Mr. President, I want to commend the senior Senator from Indiana [Mr. LUGAR] on his recent op-ed printed in the Washington Post, titled: "Shameful Partisan Posturing."

It is very clear to this Senator that Senator LUGAR is right on target with his insightful portrait of the sale of our agricultural products to Iraq, prior to the gulf war, under the General Sales Management [GSM] Program or our credit guarantees. Following my remarks, I ask unanimous consent that the Lugar op-ed be printed in the RECORD at the end of my remarks—and commend it to my colleagues for their edification.

The PRESIDING OFFICER. Without

objection, it is so ordered.

(See exhibit 1.)
Mr. SYMMS. Mr. President, as the Senator points out, a number of politicians are desperately seeking political cover for their vote against the President and our troops in the gulf war, which in my opinion was a vote that was in error. When the American people sided with President Bush, the Republican Party, and our military, who believed we must fight to protect our national security interests, it became imperative for some of these the Democrats to hide from their embarrassing position by introducing smoke and

mirror tactics of scandal.

While Senator LUGAR makes the point against this recent partisan attack, I find it almost laughable, if it were not so serious an issue, to watch be Democrats rush to cry foul every time the Republicans are successful in

foreign policy initiatives.

Through Iraqgate is a good example, another is the so-called October Sur-

prise—I find this incredible—which aims to cover up President Carter's failure in securing the release of United States hostages held by the Khomeini regime. Twelve years later, the American taxpayer is forced to foot the bill of a Democrat-initiated investigation into the nonsensical notion that President Reagan and CIA Director Bill Casey plotted with the Iranians to hold up the hostage release until after the 1980 elections, and then expect the American taxpayers to pay for all of this is nonsense.

The same goes for Central America. President Reagan demonstrated the failure of Jimmy Carter's pro-Sandinista bias and defended freedom and democracy and private ownership in Nicaragua and throughout Central America. Today, those same people simply refuse to accept their policy failures and continue their attempts to perpetuate the criminalization of Ronald Reagan's Central American policy.

We have a clear, clear case of people criminalizing a policy position of an administration that was in power. I think it is an absolute outrage that this goes on. And, as I said, it is almost like it is Orwell's "1984"—although I cannot believe it would be happening, that we have spent millions and millions of dollars to criminalize policy decisions that people made in power of the administration.

It is difficult for this Senator to imagine the successes that America has achieved over the years had we not had the change of course, change of direction, in 1980 with the election of

former President Reagan.

Had we stayed the course that we were on, with the pro-Sandinista position of the then-Democratic administration, followed it through with more Democratic administrations, Mondale, Dukakis, and so forth, I believe it is unlikely, given their positions against the strong military and the "Peace Through Strength" initiative, that much of the positive geopolitical changes would have occurred that have occurred in these past years.

If it had not been for President Reagan's insistence, contrary to the position of most of the majority party Democrats in the Congress, to remain firm that the strategic defense initiative was not a bargaining chip in the arms control negotiation, and it was a real issue that he wanted to deploy, we would not have made significant progress toward reducing the threat of nuclear war; along with other decisions that were made by former Secretary of State Cap Weinberger, the late John Tower, and the President himself, who ultimately made those decisions to move forward with the deployment of certain strategic and important weapons and remodernize our entire military wherewithal so that we would have a positive credible force to deal

So I think it can be said that Ronald Reagan and George Bush's commitment to defend freedom has brought the world closer to achieving a more peaceful society for all peoples in the world to live in by standing up against aggression, standing up against the tinhorn dictators like Saddam Hussein, Manuel Noriega, Mu'ammar Qadhafi, Daniel Ortega. They know, Mr. President, that the United States will not shrink from its responsibility to fight for freedom, stand up for freedom and support those people who are trying to achieve their freedom; and that we will support those who struggle to throw off the voke of the totalitarian rule.

Twelve years ago—how fast we forget—the dictatorships were on the rise. Country by country had fallen to Communist rule throughout Central America, Africa, Central Asia. People in Eastern Europe and the Soviet Union could only dream of freedom. Yet today, in large part because of the policies and leadership of Ronald Reagan and George Bush, Communism is a recognized dead ideology. More people are voting at the ballot box rather than with their feet, and the United States is once again the world's standard-bearer for individual liberty and the defender of freedom.

The elections of President Reagan

The elections of President Reagan and President Bush have given the people here at home and around the world hope for their futures, hope and promise that they will not find in the policies that are offered by the other side. I do not expect them to find that, in this year's candidacy of the Democratic nominee, once the campaign

reaches full foursquare.

It is difficult for the Democrats to accept that the American people have had greater faith in the Republican administration to carry out foreign policy victories and carry out a foreign policy. I know it is difficult for them to accept it. But it is true that the American people believe that. Instead, they try to confuse the public with allegations of scandal, with distortion of the facts, and with the denial of the truth.

It is always said, Mr. President, that hindsight is 20-20. But what can be plainly seen is that President Reagan and President Bush have proven that they had vision and foresight to lead this country in the right direction. I believe the majority of the American voters will see that again this fall.

I know we have seen a great deal of partisan posturing here on this Senate floor. We have seen it for 3½ years. We have seen the majority leader in the Senate—and we have seen it in the House—hammering away at the administration. We have seen our great leader on this side, Bob Dole, defending the positions of the President.

But I do think that when we come to this issue of foreign policy, one of the most shameful things that has happened in this city in the last 4 years is Street

the allowance of this criminalization of policy positions.

I again urge my colleagues to readand I commend for the RECORD-the excellent article written by our distinguished colleague from Indiana, Senator LUGAR.

EXHIBIT 1

[From the Washington Post, July 20, 1992] SHAMEFUL PARTISAN POSTURING (By Richard Lugar)

It seems as if some in Congress and the press are hoping to turn one of America's greatest recent triumps—our leadership in the gulf war-into fodder for a scandal.

The signs are everywhere. The critics have attached the all-important "-gate" suffix to making this one enterprise. "Iraqgate." They have glued together a series of unpersuasive details and described the result as an indictment. Some people-members of the House Judiciary Committee included-even want to hire an independent counsel to investigate.

Let's stop and think for a moment. It is one thing to debate and criticize policy judgments; it's quite another to attempt to

criminalize our foreign policy process.
Part of the latest "-gate" stems from allegations that USDA programs to promote agricultural sales abroad were abused. Much has been written and said recently about sales of American agricultural products to Iraq under the credit guarantee or General Sales Manager's (GSM) program. Unfortunately, not all of it has been accurate or objective.

First, the GSM programs are loan guarantees, not loans. Iraq was not given or lent money under this program. The sellers of the commodities or the people who financed the sales were the ones who received the guaran-

Now, it may be, as some have alleged, that shipments of grain were somehow diverted and then resold, with that money being used for Iraqi arms purchases. We know, however, that in many cases the Iraqis were paying higher than world prices for grain, mainly because sellers were cautious about doing business with Iraq.

I suppose there may be a reason why the Iraqis would pay, for example, \$20 a ton more for wheat than market price, then sell it somewhere else at the world price and lose that \$20 a ton. But that reason has been impossible to find so far.

For 21/2 years, the Senate Agriculture Committee has been looking into this matter, and we have yet to find any evidence of diversion. We have found evidence of some petty bribery, but nothing on which to build a weapons program. In hindsight, it is easy to suggest that USDA should have done a better job of monitoring shipments from point of departure to final delivery, but we should remember that we send millions of tons of commodities overseas through the various sales and food aid programs every year.

Also overlooked in this overheated debate is the purpose of the loan guarantee program. The administration was and is trying to sell American commodities, to boost the income of American farmers and to create jobs in the transportation and agribusiness industries here at home. Iraq was one of the best customers for U.S. agricultural products, eventually becoming a more than \$1 billion-a-year customer and our leading market for rice. The Iraqis paid for the grain they bought and were up to date in payments until the invasion of Kuwait.

This fact did not escape the attention of American farmers and commodity groups, and there are numerous letters from growers, processors and their congressional representatives urging USDA to provide export credits to Iraq in 1989 and 1990. During several debates on sanctions on Iraq, senators from both sides of the aisle took to the floor to oppose any embargo or denial of credits. I raise these points because American

farmers need to know where we are going with these programs. We are exporting, as do other countries, to places where we may have serious disagreements with the ruling

government's policies.

Overall, our policy toward Iraq in 1989 and 1990 was in keeping with the principle of using trade and cultural contacts as ways of bringing Saddam Hussein into the community of civilized nations. Both parties in Congress approved of this strategy. Both parties helped shape the policy.

In fact the administration's approach to Iraq seemed to be producing some results in 1989. Iraq paid reparations for its assault on the USS Stark. It established a series of joint ventures with our government, including DEA efforts to stop international drug traffickers. Iraq made loan payments promptly and in full.

But in 1990, relations began to sour. U.S. and British customs officials intercepted Iraq-bound equipment that could have missile and nuclear applications. We also interdicted materials that could have helped Iraq build a "super gun." We joined other nations in tightening export controls, even while refusing repeated requests for weapons shipments.

The administration itself has admitted that it overestimated Saddam's potential for change. But as Deputy Secretary of State Lawrence Eagleburger recently noted before a House committee, our measured approach to dealing with Iraq actually paid dividends. if only during and after the gulf war. We crafted our Iraq policy with the advice and help of allies. If we had acted precipitously say by imposing unilateral trade and diplomatic sanctions against Iraq-we would never have persuaded Arab League nations to join us during the gulf war.

We don't need an independent counsel, particularly one appointed during this political campaign who has no hope of producing a final report until after the elections. Congress has investigated and is continuing to investigate the administration's Iraqi policy extensively. It has requested and received thousand of pages of documents from the Departments of State, Commerce, Agriculture and other agencies. I am among those who have called for fuller disclosure of documents.

At the same time, some people on Capitol Hill have violated the trust of the White House and the privacy of some federal workers by leaking documents selectively, pre-

sumably to create the image of corruption. Today a handful of partisans want to place politics before country. In the process, they seek to tarnish a moment in which Americans regained sight of their own greatness. For these partisans, the president's chief sin seems to have been one of being correct on the gulf war when the partisans were not.

Mr. SYMMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will

call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Or-

INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE ACT OF 1992

The Senate continued with the consideration of the bill.

Mr. HATFIELD. Mr. President, may I inquire of the Chair what is the current parliamentary situation?

The PRESIDING OFFICER. Firstand second-degree amendments are pending at this time to the underlying bill.

Mr. HATFIELD. Mr. President, in order to consider some other amendment, there are two options, I believe: One, to ask unanimous consent to set aside the pending amendment in order to take up a new amendment. The other would be to offer a perfecting amendment to the original material that was being deleted by the amendment offered; is that correct?

The PRESIDING OFFICER. That is

correct.

Mr. HATFIELD. In other words, I could offer my beverage container recycling legislation in proper form as a perfecting amendment at this point.

The PRESIDING OFFICER. The Sen-

ator is correct.

Mr. HATFIELD. That would be my

privilege, my right.

Mr. President, this amendment relating to the beverage container recycling is something we hope we could adopt as a national regulation to help to conserve natural resources and ease the waste disposal problems that we have in this country. This proposal has been before the Senate for over 20 years. We had a brief hearing 10 years ago in the Commerce Committee and it was briefly considered by the Environment and Public Works Subcommittee this year. I am very anxious as the original author to pursue this concept, even though it is so well lobbied by the beverage industry and others who have raised such great opposition to it.

I believe it is an issue that is going to continue to arise regardless of what the well-financed industry opponents may want to believe. But I also understand the problem the managers of the underlying bill have in trying to keep this bill as simple as possible and to deal with it as expeditiously as possible. Mr. President, I want to cooperate with the managers and at the same time not in any way to diminish my commitment, my enthusiasm for this beverage container recycling proposal.

The bottle bill has been in place in a number of States and local jurisdictions, even in the city of Columbia, MO, the home of one of the biggest beer barons who certainly has helped in creating a lobby against this whole proposal.

I would like to say that in order to keep the issue very much on the front burner, Senator JOHNSTON, the chairman of the Energy Committee of the Senate, has committed to holding a hearing on the energy conservation aspects of this bill before the Senate Energy and Natural Resources Committee, on which I serve, before the end of this session.

Now recognizing that we are not going to move the bottle bill legislation this session, in order to make sure that we have a base that we are building to launch this with full steam ahead in the new session, in 1993, I would like to make an inquiry of the manager of the bill, a member of the Senate Environment and Public Works Committee, a leader on that committee, if there is any way that he could make a commitment of having a hearing in the next session, 1993, on this proposal? If we can build this case at the end of this session and near the beginning of the 1993 session, I would be willing to withhold presenting this amendment and creating a greater problem for the managers in so doing, even though it is my parliamentary right. I would like to make that as a proposal to help resolve at least part of the managers' problems.

Mr. BAUCUS addressed the Chair.
The PRESIDING OFFICER (Mr.
LIEBERMAN). The Senator from Mon-

Mr. BAUCUS. Mr. President, I want to commend the senior Senator from the State of Oregon who is the ranking member of the Appropriations Committee and a leader in so many ways, particularly on conservation matters. I can think of many measures, many bills, many times when the Senator from Oregon has stood up for conservation of our country's natural resources. I am very proud of his efforts.

I might add, the Senator from Oregon is, I know quite proud that he is the original sponsor of the Endangered Species Act, just one example of the many efforts the Senator has undertaken

The Environment and Public Works Committee in the last several months has attempted to and actually completed action on reauthorizing the Resource Conservation and Recovery Act, an effort to help the country produce less waste, to recycle much more of the waste that is now produced, and essentially just help America begin down the road of a conservation ethic with respect to recyclable and solid waste, that is garbage, whatnot in our country. Unfortunately, we are unable to bring that full bill to the floor.

Part and parcel of that effort, obviously, is the measure which the Senator from Oregon wishes to address: that is, the bottle bill. The State of Oregon has a bottle bill; many States do, and some States do not. There is a very good argument that the bottle bill should also be Federal legislation. I understand that, and there are some very

good arguments made for a national bottle bill.

We will not in all probability enact reauthorization of the Resource Conservation and Recovery Act this year. Frankly, it makes eminent sense to have a full hearing on the bottle bill, as the Senator suggests, next year when we again take up reauthorization of the Resource Conservation and Recovery Act.

I not only agree to the Senator's request, but I must say I think it is a request that makes much more sense in the whole scheme of things because it is not this year, it is going to be next year we are going to be dealing with this legislation again anyway. I not only would agree to the request by the Senator from Oregon, I whole heartly agree to the request by the Senator from Oregon.

Mr. HATFIELD. Mr. President, I knew what the answer was going to be before I asked the question because the Senator from Montana has always been a very accommodating and understanding colleague, even in areas with differences of opinion. But I am also proud to say more frequently we stand shoulder to shoulder in these situations. I wish him well on their managing responsibility on this current piece of legislation and I can assure him we will be there, God willing, in 1993 to engage in that hearing before his committee.

I want to thank him very much for his understanding, the Senator from New Jersey, and the Senator from Indiana, and others who have such an interest in this particular vehicle.

Mr. LAUTENBERG addressed the

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Oregon for his always sensitive manner in searching for a significant objective without losing sight of the fact that it does take cooperation and support, one to the other. It is always a much more satisfying experience when it goes that way. Very few like to win a bludgeoning match here.

I, for a moment, would like to address my comments to the Senator from Montana and the Senator from Indiana, and that is to say that lest hopes rise too high, I would caution against coming to a conclusion. But we do have a compromise being worked on at this very moment, trying to fashion language that satisfies the differences of view.

I am hopeful that within a fairly short while that we will be able to move ahead with something significant in this legislation which the Senator from Montana and the Senator from Indiana have brought and managed on the floor.

It has been an arduous task, but I must say that even though there are

giant differences of view-a State like mine, New Jersey, compelled by its small size and significant population. most densely populated State in the Union where space is at such a premium that we have unfortunately run out of it. We have run out of it for accommodation of some of the housing needs that we have, but we have certainly run out of it in terms of trying to satisfy for our natural surrounding and for the disposal of trash. New Jersey has tried to deal with the problem by getting the most accomplished recycling program that exists across the country.

So while we are searching for a final conclusion or final answer, what we are doing is we are exporting trash to other States under contractual arrangements. New Jersey has been very diligent about enforcing any illegal attempts to move, to transport trash out of State.

So it is a carefully monitored program and we are achieving exceptionally high rates of recycling, now over 50 percent, and hopefully and planned by 1996 to be at something more than 60 percent, a very significant jump, and perhaps a model for the entire country to follow because we just cannot continue to assault the Earth with more and more mountains of trash.

The Senator from Indiana, now being in a position of Indiana not having any longer to open up its borders to the receipt of trash from New Jersey, as I have said on the floor, of course, is impatient to get that question resolved. So we are dealing from two extremes. It is very difficult to find a middle ground, and I think that we are rapidly approaching a middle ground so that we can present to the Senate something on which we can make some decisions.

But I do want to say that I have been here some time now—9 years—and when a question is as sensitive and as meaningful as this one is, the tempers often run high; the debate gets more than acerbic, and I would say to my colleague from Indiana and the manager of the bill, from Montana, I think there has been an awful lot of good will shown and desire to resolve the problem, and if we continue in that spirit perhaps we can resolve this part of it very quickly. I hope so.

Mr. BAUCUS addressed the Chair. The PRESIDING OFFICER. The Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. Mr. President, hope springs eternal. I think we are getting somewhere. We are making progress. From the comments by the Senator from New Jersey, and I know the same will be shared by the Senator from Indiana, we are almost there. We have considered five or six different ideas on how to resolve the abrogation of contracts question, and I think this last idea—one that we are now checking out among various States—is the one

that might bring this together. I urge all parties to be patient, to be very diligent, and to persevere. We are finally going to get somewhere, I think, and make substantial progress on this bill.

I suggest the absence of a quorum.
The PRESIDING OFFICER. The

clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without

objection, it is so ordered.

NATIONAL DEPOSIT LAW

Mr. JEFFORDS. Mr. President, I am very pleased to have been made aware of the discussion which occurred previously with the Senator from Oregon and the members of the two committees, the Energy Committee and the Environment and Public Works Committee, indicating that both committees this year and/or next year will give the kind of consideration which is entirely appropriate to a national deposit law on beverage containers.

The 102d Congress will soon be over, and we have been characterized as a dysfunctional body. There is still time to prove that we can function. My coleague from Indiana says American want restrictions on interstate waste. Well, Americans also want recycling. Strong recycling can prevent the need for much interstate transport. So I believe this proposal is germane to this issue. And unlike other proposals which could come before the Senate, a deposit law has proven to work.

A national deposit law will increase recycling, will increase jobs, will reduce childhood injuries, will generate revenues for recycling, will decrease waste volume, save energy, will reduce injuries to livestock and farm equipment, and respond to the desires of at least 70 percent of Americans that they desire to do something meaningful about recycling. I believe that is why Governor Clinton endorsed a national deposit law on Earth Day and said if he were President he would get such legislation through the Congress.

I must confess, however, I have questioned the environmental record of Governor Clinton especially since then because sources have repeatedly bragged to my staff that they had gotten Clinton to back off of the bottle bill pledge. Well, I hope that is not

true.

In spite of the support of many groups, such as the League of Women Voters, the National League of Cities, and many others, which endorse a national deposit law, and even of the nominee of the Democratic Party, Governor Clinton, the Commerce Committee refuses to even hold a hearing on the issue.

I might further emphasize that Senator Gore is a member of the Commerce Committee, and the No. 2 Democrat on the subcommittee most appropriate for a hearing on this issue. I note that because we need his support in at least getting a hearing on this issue before the Commerce Committee, which has a partial jurisdiction over this issue.

I believe this legislation is an opportunity to show America that we can do

something about recycling.

There is no reason this bipartisan proposal should not be enacted, particularly if it really has the support of Governor Clinton. Our colleagues on the other side of the aisle can show their support not only for recycling but also for their Presidential designee with a vote on a deposit law if not this Congress, then next one or of course I would prefer another President other than Clinton.

I am excited about a vote on this issue. We have a chance to do the right thing and to show our constituents that facts speak louder than PAC's.

Now, I would like to call my colleagues' attention to an editorial from the June 26 Washington Post. I sent a copy to all of my colleagues some time ago. In case you did not get a chance to read it, I will bring it to your attention again.

Americans are taking a second look at what goes into the national trash pile as well as ways to clean up the countryside, conserve energy, and discourage the throwaway ethic. The single largest components-con tainers and packaging-happen to be among the most easily recovered items, and success ful deposit-curbside recycling programs in 10 states have proven to be both popular and effective, with recycling rates as high as 93 percent. A public opinion survey by the General Accounting Office showed 70 percent of Americans now supporting national container deposit legislation, and in the states with deposit laws in effect, 82 percent in support. Now a House committee is about to vote on a new flexible plan to encourage similarly high recycling rates in the rest of the United States.

The measure differs from deposit bills in effect in the states in that it would not mandate an across-the-board national "bottle bill." States could adopt whatever recycling method they desired, so long as it resulted in a modest 70 percent recycling rate for beer, wine cooler and soft drink containers. For states not meeting that rate, the measure prescribes a 10-cent deposit law. Retailers received a 2-cent-per-container handling fee; unclaimed deposits in each state would be available to that state to help finance other pollution prevention and recycling efforts.

Some 40 diverse national organizations—including the National Association of Counties, the National Grange and the Sierra Club—as well as many industrial firms have endorsed the legislation, which will be offered as an amendment to the Resource Conservation and Recovery Act reauthorization bill. But as they have in the past, beverage and packaging industries are opposing any change. Their newest argument is that deposit laws somehow kill curbside recycling programs. But it isn't so: About one-third of all curbside recycling programs in the coun-

try are in these 10 deposit-law states, and reports say deposit laws actually help reduce their costs by removing more material from the trash stream. Seattle recently completed a study—requested by the National Soft Drink Association—which concluded that if a deposit law were in effect there, it would "increase recycling levels of beverage containers and reduce the city's overall solid waste management costs."

Opponents also argue that container legislation addresses only a fraction of the waste management problem. But along with other programs underway around the country—refund arrangements on auto tires and batteries, composting programs for yard waste, exchange programs for used telephone books and collection points for motor oil—governments and industries are making a difference. The recycling amendment due for a vote in the House Committee on Energy and Commerce is a significant addition to this effort.

That is what the Washington Post had to say about recycling and a national deposit law. It is a lengthy editorial but to me very much to the point. Unlike other proposals, a national deposit law is proven to work.

Now, in closing, let me read a list of names of the groups that support de-

posit legislation:

The National Association of Counties, the National League of Cities, The American Medical Association, the Natural Resources Defense Council, the Sierra Club, National Audubon Society, National Wildlife Federation, Wilderness Society, Defenders of Wildlife, American Council on the Environment, Greenpeace, Izaak Walton League of the America, National Grange, American Fisheries Society, American Hik-ing Society, National Parks and Conservation Association, Fossil Fuels Action, Scenic America, Rails to Trails, Wildlife Society, League of American Wheelmen, U.S. PIRG, Evangelicals for Social Action, Garden Club of America, Trout Unlimited, Environmental Action, Public Citizen, Friends of the Earth, Americans for Democratic Action, and the League of Women Voters of the United States, all of whom support this legislation.

Basically on the other side, you have beer and soft drinks. Do we respond to 70 percent of Americans with a proposal with a proven track record, or not? Or do we just listen to those that cause the problem? That is what this legislation is about—it is about showing Americans we stand for them, not for political action committees.

If we are serious about recycling, this is my colleagues' opportunity to go on record for recycling. If we cannot do this; if we cannot do what 70 percent of Americans want, what can we do?

Again, I commend Senator HATFIELD, and also Senator PACKWOOD, two of the strong and longstanding proponents of this legislation, for their efforts. And I am pleased that the Energy Committee and the Environment and Public Works Committee have agreed to hold hearings, something long overdue.

Hopefully, we will do something sensible. Really, it is not that tough a political deal to go out and vote for something which 70 percent of the American people agree with.

Mr. President, I yield the floor. Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the President pro tempore.

INSPECTOR-IN-CHARGE JOHN COLLINGWOOD

Mr. BYRD. Mr. President, the July 22, 1992, edition of the Washington Times carried a very interesting report entitled "Telling the FBI's Story." The article describes the efforts of FBI Director William S. Sessions to consolidate the FBI's Office of Public Affairs and Office of Congressional Services. The new organization will be headed by inspector-in-charge John Collingwood, a 17-year veteran of the FBI and the former head of the Office of Congressional Affairs.

Mr. President, I have known Mr. Collingwood for several years. In his dealings with the Senate Appropriations Committee, he has always displayed the very highest levels of competence and loyalty to the Director and the FBI. He is articulate and extremely hard working. I congratulate FBI director Sessions on his choice of John Collingwood for these new responsibilities. and I congratulate John Collingwood as he embarks upon his expanded responsibilities.

Mr. President, I ask unanimous consent that the Washington Times article

be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TELLING THE FBI'S STORY (By Jerry Seper)

The first arrest John Collingwood made as an FBI agent was the realization of a boyhood dream, even if it was a little less glamorous than he'd pictured it.

No international terrorists. No dangerous spies. No white-collar thieves or La Cosa Nostra crime bosses. No corrupt public officials.

It was hijackers. Trucks. Small trucks. They stole shrimp. It wasn't a very big case. But, Mr. Collingwood says, that experience as a member of the FBI's major theft squad in Detroit taught him a big lesson. And he hopes to keep it in mind during his most recent assignment as the FBI's chief flak catcher.

"The real keepers of the image of the FBI are the agents on the street," he says. 'That's the story we want to tell, the story that the American public and the Congress needs to hear.

'Cases are being solved by agents who continue to knock on doors and ask the right. questions," he says. "They're responsible for what the FBI has been and what it will become."

Mr. Collingwood, a lawyer and 17-year veteran of the Federal Bureau of Investigation, took over Thursday as inspector-in-charge of the new Office of Public Affairs and Congressional Services Office. Created by FBI Director William S. Sessions, the office combines two others-the Office of Public Affairs, headed by Thomas F. Jones (since named agent-in-charge of the FBI field office in Cleveland), and the Office of Congressional Services. formerly headed by Mr. Collingwood.

The appointment came as no surprise to those who work with Mr. Collingwood. Or to those who have known the Findlay, Ohio, native during his 12 years at FBI headquarters, where he also has served in the Legal Research Unit and as chief of the bureau's Civil Litigation Program.

and Soft-spoken articulate. Collingwood, 44, has kept his head down in the dog-eat-dog climate of bureau headquarters. He is one of a handful of FBI executives with immediate access to Mr. Sessions. As a special assistant to the director for two years, many believe he is one of Mr. Sessions' closest advisers.

"He has the director's ear, there's no question about that," one high-ranking FBI official says. "But more importantly, he knows when to use it and knows better than to abuse it."

"Genuinely likable and very charming," is another FBI executive's assessment. "He is determined, tireless, shows great self-discipline and has honed a no-nonsense management style that works."

That style may have been developed during his college days at Bowling Green University, where he received a bachelor's degree in 1970 from the School of Business. Or at the University of Toledo, where he got his law degree in 1975. Or at his family's Ford dealership in Ohio, where he worked for two years before entering law school.

In fact, he went to law school with the FBI in mind

'I thought at the time that most everyone in the FBI was a lawyer and that it was the route to take if I wanted in the agency," he says. "So I took it."

The road to Washington began in 1975 at FBI field office in Detroit, where he worked first on the major theft squad and later on the organized crime squad. (That first arrest in the great shrimp caper went down inside a brewery, but that's another story.)

In 1978, the bureau sent him to the Defense Language Institute in Monterey, Calif., a prestigious Pentagon facility. The school teaches more than a dozen languages to intelligence specialists and others, including the FBI. It is considered one of the most intense language courses in the country.

Mr. Collingwood's specialty was Cantonese, which he used on his next assignment at the FBI field office in Portland, Ore. He worked Asian gangs and foreign espionage cases. (Actually, he admits his first chance to use his newly acquired Cantonese came at a Chinese restaurant in San Francisco.)

Two years later, Mr. Collingwood arrived in Washington. He was coaxed here by John Mintz, former assistant director of the FBI's Legal Counsel Division, Mr. Mintz, during a visit to the Portland field office, was looking for agent/lawyers to bolster his legal staff.

"It was a good opportunity for me and I didn't hesitate to take it," recalls Mr. Collingwood, admitting that he and his wife, Mary Ann, also wanted to reduce the miles between them and their families in Ohio and Michigan.

"But I still miss being out in the field," he adds. "That's something that's ingrained in all agents. Solving crimes is what it's all about, and that's the story we hope to tell."

The Collingwoods live in Northern Virginia with son Mark, 10, and daughter Stephanie, 13.

In his spare time, Mr. Collingwood says, "I'm really into two things. My kids' sports—my life revolves around Little League and swimming-and the other thing is computers. You wouldn't expect a lawyer to be into computers. I guess, but I am.'

Nothing fancy, just a regular personal computer he uses with on-line services and

various kinds of software.

At work, his office's tasks are to tell the news media and the public what the FBI does and why; prepare FBI publications; respond to inquiries; manage congressional relations; oversee FBI testimony before congressional committees; and provide Congress with information on FBI operations, guidelines and accomplishments.

There is one particular story that many expect John Collingwood to try to tell, al-

though without much fanfare.

A longtime loyalist, he is a staunch defender of Mr. Sessions-who recently has come under fire from inside and outside the bureau. In answering questions, Mr. Collingwood often defers to comments and policy statements his boss has made.

'The director is extremely motivated to do more and to better serve the public with the

same or fewer resources.

"The director is a firm believer that Congress and the American public have every right to know what the FBI is doing. .

The defense is not contrite, nor does it appear to be planned. Mr. Collingwood believes Mr. Sessions' cheerful approach to problem solving is misinterpreted by critics as weakness or lack of interest.

"His record at the FBI is clear," the public affairs chief says. "He has waded into some of the stickiest issues ever confronting the agency without hesitation."

The media and others have questioned the FBI director's policies and management style. The most potentially damaging and divisive criticism, however, may be that coming from many of his own agents who are angry over what they see as moves to initiate a quota system in the hiring of minorities and women.

The predominantly white FBI Agents Association, which represents more than 60 percent of the FBI's 10,400 agents, is seeking a court order to force Mr. Sessions into revealing the contents of an agreement he signed in April with black agents. That agreement guarantees job assignments, promotions and training opportunities. Hispanic agents won a similar pact three years ago in a race discrimination lawsuit.

Female agents balked at a recent equal treatment. The women said they were "tired of the separatism and group interest that appears to be growing within the ranks of the FBI '

Mr. Collingwood won't discuss allegations of a quota system, saying the matter involves pending litigation. He does say, though, that Mr. Sessions has not been afraid to take on extremely difficult issues.

"His view is that he'll do what has to be done and that the facts will speak for themselves," Mr. Collingwood says, in his first of-

ficial defense of the director.

Mr. Collingwood's efforts to tell the public and the media about the FBI and its accomplishments may be an easier task today than it was before. It's no secret that former Attorney General Dick Thornburgh, who wanted to name his own man as FBI director, often moved to control and limit the FBI's access to the media.

Mr. Thornburgh resigned in August to run unsuccessfully for a Senate seat from Pennsylvania. His successor, Attorney General William P. Barr, has not instituted similar constraints.

Mr. Collingwood has no comment on all this, except to say that his office will operate under "clear mandates" handed down by Mr. Sessions.

"Our job is to serve our customers. That includes the media, the public and Congress," he says. "We are the servants of the American public, and it has every right to know what the FBI is doing."

Mr. BYRD. Mr. President, I thank the Chair.

POLYTHEISM IN MODERN GARB

Mr. BYRD. Mr. President, we are living in a "mixing bowl" era in which changes, conflicting ideas and ideologies, cultural transformations, and intellectual cross-fertilization are taking place at perhaps the most precipitous speed since Alexander the Great merged Greek and Persian culture to produce the hybrid "Hellenism."

Similarly, we are living through an era of self-conscious "political correctness"—sometimes referred to as "PC"—an effort, at best, to ensure a uniformity of thought that is nonoffensive to the sensitivities of certain favored groups or certain favored causes.

Unfortunately, in instances in which change for change's sake is in the air, and political correctness is a goal in itself, the first victim is often Truth it-

Mr. President, I am referring here specifically to a movement that cuts across the denominational boundaries of several Christian bodies, and that touches the Roman Catholic Church at points as well as Protestant churches. This movement is an effort to accommodate the secular world's current search for a "nonsexist" vocabulary and commitment to filtering everything through militant feminist prisms by the use of "inclusive language."

In the secular world, we have wrestled ourselves into an acceptance of "Ms." and freely use "chairperson" in preference to the unwieldy "chairwoman." Not so secure are "humankind" to replace "mankind"—especially since "human" still includes "man" as the second syllable. Likely never to become common is "herstory" to replace "history," though that has been seriously suggested in some quarters. "Letter carrier" replaces "mailman" easily, while "firefighter" slips comfortably into the vocabulary against "fireman."

Word substitution in ecclesiastical and theological circles is, however, not so easy. Of course, I am not a trained theologian or ordained clergyman. But from my own efforts to forge a layman's grasp of things holy and from my personal Biblical scholarship, such as it is, I have come to understand the

thicket that one enters when attempting to play fast and loose with religious terminology. In treating the Deity, one's only real course is to use words as symbols, since spiritual realities can never be exactly defined by finite words. Understandably, using literal symbols to express transcendent ideas can sometimes create more dilemmas than it solves.

This caveat seems not to have occurred to some contemporary ecclesiastics who seem bent on being "trendier than thou" in translating linguistic symbols thousands of years old into more "inclusive" language.

For example, some church liturgies now address the Deity as "Father and Mother"; the Trinity of "Father, Son, and Holy Spirit" becomes for some "Creator, Redeemer, and Sustainer"; one hymn invokes "strong Mother God"; Jesus' Scriptural phrase "Son of Man" is recast as "the Human One"; and one ordained female invites listeners to allow God to hold them "in the palm of Her hand." A particularly militant inclination is seeking to purge from hymnals such standards as "Dear Lord and Father of Mankind" and "He Leadeth Me" for their obvious chauvinistic sentiments.

One particularly thorny problem in attempting to alter Christian theological vocabulary is the history of that vocabulary itself.

First, all acceptable Christian theology is based on antecedents in Juda-

Without question, the Writings of the Jews hold within themselves the revelation-held universally by believers to be in some sense a selfrevelation-of a Deity of undeniably gender. Throughout the masculine Torah and the corpus of the Old Testament canon, Yahweh or Jehovah is always referred to by chroniclers, Psalmists, prophets, or poets as "He," "Him," "the Lord," and so forth. Indeed, Old Testament writers deliberately define their Deity as masculine against the female goddesses of some of their pagan neighbors who worshipped Astarte, Ishtar, and other versions of the Hellenistic Isis.

Theology notwithstanding, who among us would be so philistine as to recast the hallowed words of Psalm 23 in inclusive vocabulary to say:

"The Lady is my shepherdess; I shall not want. She maketh me to lie down in green pastures: She leadeth me beside the still waters.

"She restoreth my soul: She leadeth me in the paths of righteousness for her name's sake."

And further:

"Surely goodness and mercy shall follow me all the days of my life: and I shall dwell in the house of the Lady for ever."

Before faddish Christian theologians plummet irretrievably into a sophistic crag from which they cannot extricate

or perhaps I should say explain themselves, should they not first examine with extreme care and linguistic nimbleness the Hebrew texts? Can one cut the cord that ties Christian theology to Judaism so glibly by recasting the decidedly masculine gender of Old Testament nouns and pronouns that refer to the Deity without at the same time emerging with a concept of God that is incompatible with Yahweh-Jehovah of that same Old Testament?

Again, the compilers of the New Testament canon, purportedly laboring under the inspiration of the Holy Spirit, selected parables and sayings preserved from Jesus' own ministry in which God is ever portrayed in the masculine and seldom in the feminine—a case in point being the widow who lost her coin and searched her house diligently for it. But Jesus specifically chose to call God "Father"—the translation of the word "Abba."

In the name of inclusiveness, can the Christian church afford to dump, as off-putting and outdated terminology, the concept of the "Fatherhood" of God? Can the average layperson, like myself, grasp the still useful concept of the Trinity if the Three Persons suddenly become "the Mother, the Human One, and the Holy Spirit"?

Even more confusing would be a Trinity of "Mother, Daughter, and Holy Spirit."

Another prickly question not easily ignored is church tradition itself.

From almost its inception, the Early Christian Church found itself in competition with cults and mystery sects devoted to female deities-again, Isis, but equally Diana, Demeter, Athena, Juno, and the like. Though some historians of doctrine interpret the elevation of devotion to the Virgin Mary as a sincere effort to stress the divinity of eternal feminine qualities, the classical Catholic and Orthodox wings of Christianity never translated that concern into an assertion that the Godhead included feminine elements of being or essence. Had the gender of the Persons of the Godhead been an insignificant matter, certainly someone among the Early Church councils would have suggested an official ambivalence at that point that would have attracted into the church devotees more comfortable with deities of female gender. In fact, the Early Church deliberately retained the imagery of Fatherhood and masculine nouns and pronouns in reference to the Creator-Isis and Diana notwithstanding.

An interesting aside is that one of the problems that Mohammed reportedly confronted in Christianity that led to his rejection of it was his own mistaken belief that the Trinity was "the Father, the Son, and the Virgin Mary," an error that may have changed the history of our world to this very day.

But more to the point, a more subtle but no less important caution about recklessly changing religious vocabulary is presented by the philosophy of religion.

According to some thoughtful philosophers of religion, one problem that any religion must answer is how literally one is to take the language in which that religion is presented. We are told that either communication to man from God is univocal or it is equivocal.

For instance, if the word "love" is used univocally, that means that God experiences in Himself a quality in loving much as a human being experiences in loving—a joy, an excitement, a hap-

piness.

But suppose the deity intends in his vocabulary a kind of code-an equivocation of meaning. "Love," for example, might be experienced as joy by a human being contemplating the object of his worship, but the deity might experience no such sensation. To that deity, "love" might be the term used to describe an outrush of impersonal, unemotional electric charges. "Forgiveness" might be to such an equivocal deity nothing but an active nonchalance toward the transgression of the laws of gravity or relativity or whatever. Such a deity would hardly be more than the conjuration of a cruel philosopher bent on tricking mankind for the sake of forcing morality or deluding ignorant people into believing the unbelievable by using semantic legerdemain.

By comparison, is it not possible, therefore, to conclude that Jesus and the whole host of Old Testament prophets and New Testament writers use the image of God as "Father" or "the Lord" because, in the univocal or more literal human sense, God evidences an essential masculinity? Is it not possible that, essentially-at the very root of "Being" itself-the Creator is, in His Essence, of masculine as opposed to feminine nature? And by loosely flirting with nonsexist or inclusive lanis it not possible guage. ecclesiastics are without warrant distorting something of ultimate importance in comprehending Deity itself?

This is not to denigrate feminine essence or to de-equalize maleness and femaleness in Creation. Nor is it to deny women a full participation in

church or community life.

But should not the received texts of the Old and New Testaments be allowed to speak for themselves and to inform the continuing life of the Christian church without being bowdlerized for the sake of contemporary fashion and trendiness? Is it not the role of the minister, the priest, or the rabbi to make clear to contemporary ears and intellects the deeper meaning of ancient texts without first changing their original meanings? In effect, Mr. President, are we so puffed up with our own

sense of moral superiority that we have to distort ancient documents before we dare expose them to the modern world?

And where do we stop rewriting older works to render them less offensive to some of our contemporaries? Where is the end? Should we rewrite Homer, who lived in the 800's before Christ, so that Helen kidnaps Paris? Should Oedipus be resexed so that a heroine marries her father? Should Shakespeare and Milton be rewritten to correct an improper prominence given to emperors and kings and masculine angels over empresses and queens and female angels? Should we rewrite Dante to do the same?

Certainly, we would never think of committing such vandalism on the great works of literature in our heritage. Rather, we depend on the female intellect to grasp the universality of the themes of these unparalleled classics and to gauge the female experience against them.

Such, I suggest, should be the treatment of Sacred Writings and the symbols of ancient faiths. Better to trust that women are sufficiently intelligent to draw their own conclusions and to prepare teachers skilled in making old texts come to life than to twist these texts to fit today's fashion and lose something significant in them.

Mr. President, I do not claim to be a master of the Scriptures. I claim to be only a wayward sinner and feeble student thereof.

But I do know, Mr. President, what the King James version of the Bible meant in my little home back among the hills. I know what it is to grow up in a home where there is a praying mother and a deeply but quietly religious father.

And that old Bible to me—there are those that say, well, let us have a new version so that we can understand it better. My problem is not with understanding the Scriptures. My problem is, and always has been, living up to that which I do understand.

To me, those Scriptures have given inspiration always, comfort at times, and hope on occasion. And it is out of that context and from that background that I speak today. It just does not make sense. And to me it derogates the Scriptures to attempt to blend ourselves into the trendiness of today's fashion, as some would have it, in eliminating the masculine nouns and pronouns from the Bible.

More than one baby has been thrown out with the bathwater in years past. Let us not make that mistake in this instance.

Mr. President, I ask unanimous consent that a Wall Street Journal on this subject be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 27, 1992]
THE LORD'S NAME: IMAGE OF GOD AS "HE"
LOSES ITS SOVEREIGNTY IN AMERICA'S
CHURCHES

(By R. Gustav Niebuhr)

Long Beach, CA.—The First Congregational Church here looks every inch a bastion of religious tradition. Inside the imposing Italian Renaissance structure, graced with delicate rose windows, are mahogany pews and a grand old pipe organ.

Then the Sunday service starts. "May the God who mothers us all bear us on the breath of dawn, and make us to shine like the sun, and hold us in the palm of Her hand," intones Mary Ellen Kilsby, the pastor.

Unorthodox? Some would say so. But no

longer unique.

The ancient Western image of God the Father is coming under assault. Although still relatively unusual in most of America's 350,000 Christian churches, gospel like this is making inroads among church leaders, who have begun purging hymnals and liturgies of references to God as male, white as pure, black as evil and Heaven as up.

CHANGING TEXTS

This year, a new translation of Catholic psalms used in worship that eliminates the word "He" as the pronoun for God will be circulated among Catholics for study.

The United Church of Christ, the liberal Protestant denomination to which First Congregational Church belongs, is revising its hymnal, and will "change some very treasured texts," says the Rev. James Crawford, pastor of Boston's Old South Church, who chairs the hymnal committee. Among those due for certain revision: the old Protestant favorite "Dear Lord and Father of Mankind."

And next week, the staid United Methodist Church will ask delegates to a churchwide conference to approve a new Book of Worship, the text from which ministers design their services, that would allow congregations in certain instances to drop Father in favor of a genderless God. Although the book remains largely traditional, it also includes prayers in which the deity is addressed as "Father and Mother," "Bakerwoman God" and "Grandfather, Great Spirit."

For centuries, Christians have worshipped a deity that had explicitly masculine names. The Hebrew Scriptures, which form the Christian Old Testament, call God "He." In the Gospels, Jesus refers to God as Abba, an Aramaic word best translated as "Daddy." Culture has reinforced tradition: Medieval artists and hymn writers portrayed God as a wise older king. Michelangelo painted the deity as a muscular, bearded giant. Hollywood cast actors who could speak basso profundo.

SHE AND HE

Yet these days, sweeping social shifts—primarily feminism, but also civil rights and environmentalism—have crashed against the ancient Christian picture of the cosmos.

"I don't think our conception of God will ever stand still again," says Joseph Hough, dean of Vanderbitt University's Divinity School in Nashville, Tenn. In his public utterances, Dr. Hough alternately refers to the deity as She, then He. "I don't think anyone would want to defend the view that God values males more than females, but that's exactly what [traditional] language does," he says.

The roots of the debate over what to call God are often traced to a book by Mary Daly called "Beyond God the Father," a critique of patriarchal religion that bluntly states, "If God is male, then the male is God." Dr. Hough also cites James Cone's 1969 book "Black Theology, Black Power," which argues that the church must so identify with oppressed minorities that it becomes "theologically impossible" not to think of Christ as black

Such books had an immediate impact on many seminaries, but only recently has their influence been felt in established churches, where church leaders have begun replacing the once-generic word "brethren" with "people."

THE FINAL WORD

For the orthodox, any question about God's name was settled once and for all more than 1,600 years ago at the Council of Nicea, where more than 300 bishops from across the Roman Empire convened to resolve a raging theological debate about what, essentially, God is. The group agreed to describe God as Father, Son and Holy Spirit, three intimately connected "persons" within one "substance." The doctrine of the Trinity is important because, while it holds Christ to be fully and eternally divine, it also explains that Christians don't worship two or three separate gods.

These days, however, many pastors are choosing to baptize and marry in the name of a gender-neutral Trinity, the "Creator, Redeemer and Sustainer." And that is causing great concern, especially among some traditional religious experts and academics, who believe such changes border on heresy.

"Once you deconstruct the Trinity . . . I think you've lost the Gospel," says Carl Braaten, professor of systematic theology at the Lutheran School of Theology in Chicago. "We're facing a battle in the future, and more and more people are going to get sucked into the vortex on the naming of God, how to pray to god."

The changes are troubling, as well, for many religious people who don't view themselves as particularly conservative, David Moss, an Episcopal priest in Atlanta and a psychotherapist, says the loss of a shared image of God—a central reference point in Western civilization—will lead to "confusion" among Christians and dissension among churches.

God's masculine names, he says, make up an almost indelible memory within Judeo-Christian culture. As evidence he cites his offering communion at a home for elderly Alzheimer's and stroke victims. When he opens the service, the patients give little evidence of consciousness—until he begins the Lord's Prayer. "If I say, 'Our . . . 'they say, 'Father.' It makes the hair on my arms stand up."

Yet a number of theologians warn that language shapes reality, and unless the church changes its imagery, it will effectively endorse gender and race bias. And by insisting on speaking of God as Father, they say, traditionalists risk deifying a mere work—committing the sin of idolatry.

ENDING INJUSTICE

"As society becomes aware of the issue of injustice... the society's language has to change to mirror that," says Letty M. Russell, a professor of theology at Yale Divinity School. "The way to respect the original words is to re-translate them as our understanding of their meaning changes."

At First Congregational Church in Long Beach, the Rev. Kilsby says, "If there's no feminist imagery, then women weren't made in God's image." The Rev. Kilsby never speaks of a divine king or an almighty lord. "There's a certain tenderness and vulnerability about God," she says, which she tries to project by likening the deity to a shepherdess or a mother hen.

Even Satan takes a different cast here. The church's associate minister, the Rev. Christopher Wilke, says he links evil with "shadows," not blackness, out of consideration for African-American friends. In a recent sermon, he says, "I didn't talk about the Prince of Darkness. I talked about the Prince of Evil."

The Rev. Kilsby's preaching has encouraged her congregation toward eclecticism. As they gather over coffee after the Sunday service, members talk about how they picture God: as a cloud, a formless spirit, Mother Earth.

BIG BANG

Marjorie McMillan, a professional singer and voice teacher, says her former "very vivid" picture of a masculine God is now in transition. "I don't have this all-powerful male image in mind," she says.

And schoolteacher Karen Miller says that while she still believes in following Jesus's teachings, "I'm evolving into a sort of neopagan. I envision the universe as God and all in the universe as a part of God." Her husband, Tom, a history professor, long ago stopped saying Father in favor of Creator. His image of God? "It's like atoms," he says.

Yet many people have been protesting the changes. In late January, 77 bishops, pastors and lay people associated with the United Methodist Church gathered in Memphis and issued the so-called Memphis Declaration. The group said inclusion of new language for God in the proposed book of worship would "alter the apostolic faith."

One conservative Methodist group, the Good News Caucus, promises to argue to stop the changes in a word-by-word editing at the denomination's conference next week. "It's not for us to decide what God's to be called. He's expressed that in Scripture," says the Rev. James Heidinger II, the group's executive secretary. Tampering with traditional biblical imagery, he adds, "leads to pantheism and goddess-worship."

Over the past year, opponents in the Episcopal Church and the United Church of Christ have issued their own declarations, branding changes in traditional language about God as anything from a cultural fad to outright heresy.

MEN AS GODS

Some proponents of change say they see in the opposition a backlash by men who fear their own authority is at stake. "They may feel the reverberations of the ax being laid to the tree, and they're up in the tree," says the Rev. Beryl Ingram-Ward, a Methodist minister in Tacoma, Wash.

Opposition comes from women as well. At the Lakewood, Ohio, Congregational Church, the Rev. Lyman Farrar says for years he's been quietly using the word God instead of male pronouns for the deity in prayers and sermons. But he encountered an "instant negative reaction" when he introduced a gender-neutral version of the doxology, a historic hymn of praise, in late January. As he stood shaking hands with congregants after the service, several women bluntly told him not to do that again.

"I can't understand why so many women are so upset by this," he says. Says Sue Bosworth, a member of the congregation, "I think we're in danger of losing the Trinity" when use of the name Father is diminished.

While this debate is just beginning in the pews, it has already reshaped religious vocabulary at many of the nation's leading

seminaries, particularly the Protestant seminaries, where women's enrollment has exploded. As their constituencies have changed, these institutions have found that previously standard terms—mankind, brethren, God the Father—seem antiquated, even politically charged.

INCLUSIVE LANGUAGE

These days, many seminaries have guidelines recommending proper speech on campus. At Columbia Theological Seminary, a Presbyterian institution in Decatur, Ga., the student handbook says that students, faculty and administrators "are expected to use inclusive language" in the classroom, chapel and written work. Two years ago, faculty at Fuller Theological Seminary, an evangelical institution in Pasadena, Calif, recommended studies speak of men and women, rather than man or mankind. (The seminary has retained traditional language for God.)

But attempts to take such messages outside seminary walls have often met with

anger and resistance.

In the mid-1980s, the National Council of Churches began publishing its multi-volume Inclusive Language Lectionary—Bible readings for Sunday services—which omitted male pronouns for God and retranslated Jesus's traditional title, "The Son of Man," as "the Human One." As the series went to press, the committee of scholars who put it together received anonymous death threats.

Committee chairman Burton Throckmorton recalls registering under a false name when he went to speak to the council's board at a Hartford, Conn., hotel. Police patrolled the building with bomb sniffing dogs. "It wasn't funny business," says Dr. Throckmorton, a retired professor of New Testament at Bangor (Maine) Theological Seminary. "There are a lot of lunatics out there."

"BRING MANY NAMES"

Despite the hostility, the lectionary has sold some 80,000 copies, according to one of its publishers, Cleveland-based Pilgrim Press. And other, similar materials are now coming to market, including new hymns that praise a distinctly nontraditional deity.

Brian Wren, an Oxford-educated poet who lives in Rome, Pa., is an author of many such hymns. One of his best-known is "Bring Many Names," whose verses invoke "strong Mother God," "warm Father God," "old, aching God" and "young, growing God."

Dr. Wren travels the country giving seminars in which he encourages people to "brainstorm images of God." At one San Francisco gathering, ministers and church musicians came up with a long list of new names—"Beautiful Movement," "Straighttalking Lover," "Daredevil Gambler"—that he incorporated into a hymn.

"The fact that Jesus called God Father doesn't mean he was teaching us to use that name for time and eternity," Dr. Wren says. "I think that at its best, the biblical tradition is that God cannot be contained in human language."

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARTISANSHIP

Mr. LEAHY. Mr. President, I realize that it is an election year, and I realize we are getting close to the time for the Presidential elections. But I worry, as we approach that time, that sometimes the partisan ardor of Members of this body may lead them to make statements that perhaps are best kept for a stump speech before partisan followers but do not reflect the kind of debate that we should hear in the U.S. Senate.

Now I understand that on this floor there will be speeches that are not what I would like to hear, and perhaps what other Members would not like to

hear.

I understand there is a policy now where Members of the minority party are coming to the floor, I guess, every day, maybe several times a day, to say what they can to help President Bush's

reelection.

Well, I certainly would expect them to work to help President Bush's reelection. They are members of the same party. They have all campaigned with him. Most of them have supported his policies, his economic policies and his foreign policies, his appointments to the Supreme Court, and so on. So none of us could disagree with their right to support him. But when they do, I suggest they speak to those things they feel deserve support on the part of the President, but try to speak in a positive fashion for the President, and not simply attack. One has to wonderif their speeches are solely attacking either Governor Clinton or Senator GORE or Democrats-if all they can do is attack? Do they really have something they can be proud of themselves, that they stand for?

I mention this because I understand earlier this afternoon that certain statements were made about the Democratic majority in the Congress participating in a partisan vendetta with regard to United States policy toward Iraq. Members of the other body who are investigating this of course can speak for themselves. They do not need me. Nor do I intend to speak for whatever efforts are under way there.

But there was also reference in that material to the Senate Agriculture Committee. For 2 years the Senate Agriculture Committee has been investigating our policies toward Iraq. For over 2 years the Senate Agriculture Committee has asked questions of what the administration and the agencies of the administration were doing in their foreign policy toward Iraq. In fact, a Senator from the Republican Party this afternoon put into the RECORD an op-ed piece on this subject, written by the distinguished senior Senator from Indiana [Mr. LUGAR], a Senator for whom I have the absolute highest regard and respect.

In fact, that same op-ed—and now that it is in the RECORD I would refer to it—shows that both Senator LUGAR and I have worked together on this investigation. We have requested documents from the Agriculture Department, from the State Department, Treasury Department, from the Federal Reserve. Both the distinguished ranking Republican member of the committee, Mr. LUGAR, and I have jointly signed the requests for these documents.

But, before the attack is simply made that if requests are made for answers, if questions are asked of the Bush administration's policy that it must somehow be partisan, let me explain these requests were made by a senior member of the Democratic Party and a senior member of the Republican Party—myself and Senator LUGAR. That was a bipartisan effort. But it is also legitimate to ask, "just

what was the policy?"

The reason I ask this, Mr. President. is probably the same reason you have heard in your own State and I have heard in my State of Vermont. People ask why is that at a time when we cannot afford to take care of problems here at home, when we cannot repair the infrastructure of our own Nation. when 40 percent of the women and children who are eligible for the WIC Program cannot receive benefits because there is not enough money, when pregnant women cannot get adequate nutrition for themselves and for their unborn child-talk about a pro-family and right-to-life issue-when they cannot get adequate nutrition because the administration says there is no money, when children born cannot be fed adequately because there is not enough money in this country to feed thempeople ask why is it that the U.S. Government and this administration is spending this year, \$1.9 billion in paying the foreign aid bills of Saddam Hus-

Frankly, I think it would be a better use of our scant resources in this Nation to feed our hungry children when one out of five children in this Nation live in poverty and in hunger. We should spend that \$1.9 billion feeding them. If we have poor, pregnant women who are not able to get adequate nutrition, would it not make sense to be feeding them and giving them adequate nutrition, hoping maybe that child will be born with an adequate birth weight; that the child will be born and at least start off healthy? The child, because of poverty, because of circumstances, may have enough going against him or her anyway. At least at the moment of birth let that child be a well-nourished child. Certainly in the formative, first months and years of its life it might get adequate nutrition. But, no, we tell 40 percent of these women you cannot have the food you need for adequate nutrition, your newborn baby cannot get fed adequately. Why? We do not have enough money. But because of gross mistakes in foreign policy this

Nation will spend \$1.9 billion to pay the foreign aid bills of Saddam Hussein.

How can that be? I will tell you how it can be. Even as Saddam Hussein's tanks were heading off toward Kuwait, even as his generals planned the invasion, even as the decision was made, what was the administration doing?

I will tell you. The record shows that the administration began 1990 cosigning notes to provide agricultural commodities to its then good friend Saddam Hussein, who by the end of the year it was calling the Hitler of the Middle East.

I do not think it is partisanship to ask why this happened. I am sure there are some who may think that if the Congress was controlled by the same party as the White House, these embarrassing questions might not be asked. I would hope that all of us, Republicans and Democrats alike, would ask. Because all of us, whatever State we are from, have to know there are hungry people in our State. There are children not being fed. There are pregnant women not getting adequate food. There are elderly not getting adequate nutrition. There are children who cannot get school lunches and cannot learn when they are in school because they cannot get adequate food.

Mr. President, that is a fact in every State in the Nation because in every State in the Nation, the Federal feeding programs are not adequately funded. And so long as that is the case, then it is an absolutely legitimate question to ask why are we spending \$1.9 billion to pay off the foreign aid bills of Sad-

dam Hussein?

Maybe it is embarrassing. Maybe it is embarrassing to the other side. Maybe it is embarrassing to the Senator who raised the question. But it is a fact. It is a fact. It is not partisan to say we are spending \$1.9 billion in foreign aid bills for Saddam Hussein this year. That is not partisanship. That is a fact.

It is not partisanship to say that we cosigned—the United States Government, this administration—notes with Saddam Hussein just months before getting his tanks ready to roll in Kuwait. That is not partisanship. That is a fact.

It is not partisanship, it is a fact, that strong questions have been raised whether some of that money was diverted for arms sales and not for agricultural sales. That is not partisanship. That is a fact.

It is not partisanship. It is a fact that American weapons were available to Saddam Hussein to be used against American troops in Saudi Arabia. That is not partisanship. That is a fact. And is it wrong to ask the questions? It might be embarrassing to some that the questions are asked, but it is not wrong. It is not wrong.

So I would advise my friends, when they raise the question of partisanship, when somebody states indisputable facts and they call it partisanship because those indisputable facts are embarrassing, that is not the fault of those who raise the questions. That is the fault of those who did the actions that brought the facts out in the first place.

Mr. President, it is an embarrassing fact to the administration that the taxpayers spent \$1.9 billion paying off foreign aid bills of Saddam Hussein this year. Of course, it is embarrassing. But it is a fact, and it is embarrassing and terribly troubling to me that American weapons were available to Saddam Hussein to use against Amer-

ican troops, but it is a fact.

I do not know everything that happened in this. I have asked questions. Maybe my committee will be able to find some of the answers. Maybe it will not. But we will ask the questions. If it proves embarrassing to Democrats or Republicans—whatever facts we find, I will lay out in the CONGRESSIONAL RECORD. But let us not assume that you cannot find out the facts just because it is an election year and you cannot ask questions just because it is an election year. The facts are there; the questions will be asked.

Mr. President, I yield the floor.

Mr. JOHNSTON addressed the Chair. The PRESIDING OFFICER (Mr. CONRAD). The Senator from Louisiana.

IMPROVED ENERGY EFFICIENCY

Mr. JOHNSTON. Mr. President, I am pleased to tell the Senate that I have reached agreement now, I believe, with my two colleagues from Nevada on the question of how we will handle the conference committee on the energy bill. My colleagues from Nevada had been prepared to engage in some extended debate on this question unless we had worked out what our intentions are with respect to the conference.

I will now say, Mr. President, that I am prepared to commit myself to try to achieve the following in conference: First, no reference to preemption in the conference report; second, that there will be no provisions inserted on MRS or early placement of waste, or other matters beyond the scope of the conference. I am willing to commit myself, as I say, to that, with the understanding that we are able to get to conference on the energy bill.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, as the chairman of the Energy Committee has indicated, we have spent long, hard hours trying to work out this matter. We feel that the agreement made, as spread on the RECORD of this Senate today, is that there would be no premption in the conference report, as the chairman indicated.

Mr. JOHNSTON. Or that I would commit myself to achieving that.

Mr. REID. And there would be no provisions inserted relating to MRS or early placement of waste.

I would also ask the chairman that if, in fact, these, which have caused the Senators from Nevada concern, wind up out of some work of fate in the conference report, we ask that not be brought back to the Senate if it has preemption, if it has MRS or early placement.

Mr. JOHNSTON. Mr. President, I expect to be the chairman of that conference committee, and the most any Senator can do is to commit himself to try for a conference, because the conference can do what it wishes. I think it is a virtual guarantee that I, as the chairman of that conference and the chairman of the Energy and Natural Resources Committee, commit myself not to want to have these things-and you, yourself, I think have talked to Chairman DINGELL. So I think there is very little chance of that. But I cannot bind the conference as one member. even though I may be the chairman of that conference. But I think the Senator can rest easy that these matters will not be in the conference report.

Mr. REID. I would only add, Mr. President, I listened intently; I heard what the chairman of this committee said, the virtual guarantee, and I heard those words clearly. As a result of that, I am prepared to withdraw any intent at this stage to prolong the debate.

The PRESIDING OFFICER. The jun-

ior Senator from Nevada.

Mr. BRYAN. Mr. President, I acknowledge that the distinguished chairman of the Senate Energy Committee has indicated that the three items which were of primary concern to us—the preemption provisions which currently exist in the House version and do not exist in the Senate version, and reference to the MRS and reference to the early placement of waste—all three of which the Senator addressed, would not be included. That is of primary concern.

The Senator also indicated that it would not be his intent to go beyond the scope of the conference, recognizing that there are other issues that deal with nuclear waste that may be in some fashion dealt with, but not at least beyond the scope of the two bills that we are dealing with, and that is the essence of our understanding.

Mr. JOHNSTON. Mr. President, the junior Senator from Nevada correctly understands what I had said. I would commit myself not to go beyond the scope of the conference, insofar as I am able to shape that conference, and I believe that will be substantial assurance for the Senators.

Mr. BRYAN. Mr. President, I indicate, along with my senior colleague, based upon the understanding, it is not our intention to mount a filibuster which, as the distinguished chairman knows, was the option we had available

and might have become necessary if we were unable to work this out. That will not be our course of action. We will not be filibustering the Senator bringing this bill up and getting to conference.

Mr. JOHNSTON. Mr. President, I very much appreciate the cooperation and the friendly spirit in which we resolved this with my friends from Nevada. I always thought we would. This is a real victory for U.S. energy policy and for our energy bill. I thank my friends from Nevada.

Mr. President, I suggest the absence

of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without

objection, it is so ordered.

INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE ACT OF 1992

The Senate continued with the con-

sideration of the bill.

Mr. BAUCUS. Mr. President, I think we have an agreement on the Coats amendment. We have been working on this for the past couple of days. I must very earnestly thank Senator COATS, Senator CHAFEE, Senator SPECTER, Senator WOFFORD, Senator MOYNIHAN, Senator METZENBAUM, Senator LAUTENBERG, and Senator GLENN for their very hard work, diligence, patience, and perseverance to finally reach a conclusion.

So I offer this modified amendment on behalf of all the Senators I have

named.

I send the amendment to the desk.
The PRESIDING OFFICER. The
Chair advises the Senator that consent
would be required to withdraw the
pending Coats-Chafee amendments.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Coats-Chafee amendments be withdrawn so that the amendment I just sent to the desk will be in order.

The PRESIDING OFFICER. Is there

objection?

Mr. COATS. Mr. President, reserving the right to object, and I certainly will not object, I just want to inform my colleagues that what we are doing is exactly what has been indicated. That is, after 2 very intense days of negotiations, we have reached an acceptable resolution to the issue before us. Withdrawing the Coats-Chafee amendments at this particular time and then offering the amendment that Senator BAUCUS will offer on behalf of all of us involved in this negotiation will bring about resolution to this issue and the debate.

So I will not object.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

So, the amendments (Nos. 2731 and 2732) were withdrawn.

AMENDMENT NO. 2736

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] (for himself, Mr. COATS, and Mr. SPECTER), proposes an amendment numbered 2736,

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without

objection, it is so ordered.

The amendment is as follows:

On page 4, line 2 before the semicolon, add the following: "except to the extent that the actual amounts of municipal waste generated outside the jurisdiction of the affected local government received for disposal at the landfill or incinerator under such contracts exceed the amount imported under such contracts in 1991 or twice the volume of the first six months of 1992, whichever is less (this clause shall not apply after June 18, 1999, to the extent that such contract prevents a Governor from exercising the authority granted by paragraphs (2)(A)(ii) and (3))".

On page 6, between lines 11 and 12, insert

the following new paragraph:

"(3) Except as provided in paragraph (1)(C) and in addition to the authorities provided in paragraph (1)(A) beginning with calendar year 1998, a Governor of any State which receives more than 1 million tons of out-of-State municipal waste, if requested in writing by the affected local government and the affected local solid waste planning unit, if any, may further limit the disposal of out-of-State municipal waste as provided in paragraph (2)(A)(ii) by reducing the 30-percentum annual volume limitation to 20 percentum in each of calendar years 1998 and 1999, and to 10 percentum in each succeeding calendar year."

On page 6, line 12, strike "(3)(A)" and in-

sert "(4)(A)."

On page 7, line 3, strike "(4)(A)" and insert "(5)(A)."

Mr. BAUCUS. Mr. President, let me briefly describe the amendment. The amendment essentially gives Governors the authority to restrict and reduce municipal waste imports under private contracts down to the 1991 levels or the 1992 levels, which is calculated by doubling the levels of the first 6 months of 1992, whichever is lower.

In addition, the amendment also provides that, beginning in 1998, a Governor will have the authority to reduce the amount of out-of-State municipal waste received at certain landfills to 20-percent of the waste received at that landfill in 1998 and, also, that same 20percent capacity that is reserved for out-of-State solid waste would also apply to 1999, and then only 10 percent of the capacity of the landfill—these are for the larger landfills, landfills that receive over 100,000 tons in States which receive over 1 million—that then the Governor could require that only 10 percent of the capacity in those larger landfills be reserved for out-of-State waste.

The amendment further provides that, beginning in 1999, the Governor may abrogate private contracts of out-of-State waste in order to achieve that 20-percent capacity reservation in 1999 and 10-percent capacity reservation in the year 2000 and in subsequent years.

This is an effort, frankly, to accommodate exporting States and importing States, particularly with respect to private contracts and the abrogation or not of private contracts. The original bill before the Senate essentially provided that local government, municipalities, could request the Governor to ban out-of-State waste in certain instances or require that the waste go somewhere else in certain instances. Unfortunately, from the point of view of certain States, another provision in the bill, that is, the prohibition on the abrogation of private contracts, made that earlier provision a little less helpful to them; that is, it took some of the teeth out of the tiger.

This, therefore, is an amendment to accommodate that concern without allowing all private contracts to be abrogated but in certain instances to allow some. It is a balance. It does not give certain States that export solid waste all they want. It does not give the importing States, particularly Indiana, Pennsylvania, and Ohio, in some cases,

all that they want.

But I say to the Senate that I am very, very pleased with the degree to which Senators have worked to cooperate to compromise. There have been about seven or eight different proposals that have gone back and forth among various Senators, and not once did somebody utter a word of discord or rancor. Everyone is still pitching and still trying.

I want to particularly thank the Senator from Ohio. He came into these consultations, these negotiations, only a few hours ago, and he, in many respects, was the catalyst for helping to put this together. Everyone here is a catalyst, but I want to particularly thank the Senator from Ohio for his efforts.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President. let me say that the Senator from Montana is correct that this issue was bogged down this afternoon. Everybody wanted to move, but we were not moving. There have been extended negotiations, and certainly the Senator from Montana was much involved, the Senator from New Jersey was involved, the Senator from Indiana was involved, the Senator from Pennsylvania was involved, and if I omit somebody, I do not mean to. But it was an effort to try to bring about a resolution of the issue, and it was particularly important because we have been on this bill for 3 days. It is well known, the majority

leader has made it clear, that he was prepared to take the bill down.

Now we have an amendment that is not totally satisfactory to me. It is not totally satisfactory to the Senator from Indiana. I doubt if it is totally satisfactory to the Senator from New Jersey. But that is not the issue. The issue is we made major steps forward in doing something about waste being moved from one State to the other. Did we do as much as this Senator would like? No. Did we do as much, maybe as little, as some Senators would like? No. We have made progress. This legislation, this bill, if enacted into law, will bring about a cessation, almost in its entirety, over a period of years, of the dumping of waste from one State into the other.

I am concerned that there will be other amendments offered this afternoon. If they are, it will be tying up the Senate. I urge my colleagues. Even though the other amendments having to do with hazardous waste, having to do with sludge, having to do with industrial waste, even though those are amendments that this Senator would be prepared to support, I believe that unless we turn down all other amendments, adopt this amendment, finalize the passage of the bill, I believe that this body will not have any bill, and we will not be able to return to this subject.

So I urge my colleagues to vote "no" on all other amendments, to vote "yes" on this amendment, to vote "yes" on the bill, and we will have made a very major and meaningful step forward.

Mr. President, I want to express my appreciation to the staffs of the various Members who have been involved in this. They have been extremely helpful. We could not have done it without them. I thank so much the Senator from Indiana and the other Senators who have been involved in the negotiation.

Mr. BAUCUS. Mr. President, I ask the Senator from Ohio what disposition he intends to take with respect to subsequent amendments to this bill?

Mr. METZENBAUM. I think I just made it clear that I will oppose all other amendments, even the one that I had intended to offer with respect to industrial waste, not because I do not think this body ought to deal with that subject; I do. But I am a pragmatist. I am trying to be practical. I believe that if we deal with all the other amendments, this bill will come to its entirety, we will have no bill before us, we will leave, the session will end, and we will not have done anything on this subject. So I will oppose and urge my colleagues to oppose any other amendments.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to join in thanks and praise to everybody who has been involved in this, the distinguished Senators from New Jersey, from Ohio, from Indiana, from Pennsylvania, and especially the floor manager of the legislation, Senator BAUCUS, from Montana. He has, as they say in the trade, no dog in this fight, but he has been a tenacious pursuer of a settlement of some type, and a settlement has been arrived at. I hope we can move right forward with it by voice vote, and get it done with.

Now, I heard those sterling comments by the Senator from Ohio about resisting all amendments. That is good news. Indeed, he had a couple of amendments himself. Will he resist

those?

Mr. METZENBAUM. My amendments are magnificent amendments.

Mr. CHAFEE. I am sure they are. Mr. METZENBAUM. They are great amendments.

Mr. CHAFEE. They deserve to be

thoroughly defeated.

Mr. METZENBAUM. One deals with closing down a facility in Ohio that should never have been opened. It has to do with industrial waste. I am willing to take a half a loaf of bread in this instance and wait until another day for the other half of the loaf of bread.

I will oppose all amendments. Mr. CHAFEE. That is half a loaf. You had two amendments. Does that mean you are going to go for one of them?

Mr. BAUCUS. No.

Mr. CHAFEE. That is good news. I

thank everybody involved.

Mr. COATS. Mr. President, this effort today is the result of really 3 years of effort to address a very serious problem relative to the shipment of waste on an interstate basis. And the effort we are about to resolve is the result of 2 very hard days of negotiations. I appreciate the patience and the persistence of Members on both sides of this issue.

I think the overriding, driving factor is the realization that if we do not do something now, given the short amount of time and the few legislative days left, we will not do anything at all this year. This not only begins the process, but this is a major, major step forward to resolving the problems created by the shipment of unwanted waste from one State to another.

We were hung up for 2 days over an amendment that I had offered relative to private contractors and the influence that the State would have over those contracts. I believe we have resolved that by bringing that language back to the point where the bill originally directed our efforts, and that is to freeze at the lower of 1991 or 1992 levels, whichever is less. In addition, we added a major provision which would allow our States to ratchet down the total amount of waste received at the largest landfills to levels of 20 percent, and then ultimately 10 percent, of

total landfill capacity; and beginning in 1999, the right to totally abrogate private contracts if those resulted in exceeding that capacity. I think this is

a major step forward.

I just discussed this with representatives of our Governor. We see this as a very significant positive impact for the State of Indiana, and our State is in support of this effort. I stress this key to my colleagues: If you are from a State—and virtually every State in the Nation is impacted by this problem—that either now receives unwanted out-of-State trash, or might be a recipient in the future, this legislation gives you protection and deals with the problem.

Our one chance to do it is right now, and I, therefore, will join with Senator METZENBAUM from Ohio and others in resisting other amendments, even though I might favor them, even though at one time I may have suggested them or even offered them.

Obviously, this is not partisan issue, or I would not be joining with Senator METZENBAUM from Ohio. I have, on occasion, referenced Senator METZENBAUM'S positions on issues during my travels in Indiana as a basis for my opposition to those issues, and here we are standing shoulder to shoulder because our States find themselves in similar situations. So it is not a partisan issue at all; it is a matter of geography, and I am pleased to join my colleague from Ohio, as well as my colleagues from Pennsylvania and other States, in supporting this effort.

I also want to thank both the distinguished chairman of the committee, Senator BAUCUS, who patiently and tirelessly helped work this through to a successful resolution—without his efforts, we could not have achieved this result—and the distinguished ranking member, Senator CHAFEE, who has also been tireless in helping us pull this to-

gether.

I finally thank my colleagues from New Jersey and New York. This was an issue where passions could have run very high, and in the past they have. That kind of display of emotion may look good in the paper or on television, but it does not solve the problem. And it does not resolve the issues before us. We have—I think on each side—tried to temper that down and work objectively toward a responsible solution to this particular problem. I believe we have done that with this legislation. So I thank all of my colleagues that have been involved for their patience, persistence, their rational, objective approach used in addressing this issue.

I trust that my colleagues will support us in this effort and will resist the great temptation to offer other—legitimate, in many cases—amendments; but under the time situation we are in, realize that this is the one chance this year to actually move something forward which has a chance to be signed into law and to give our States the re-

lief we need.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I note that so many compliments that have been passed around, that it tells you a significant number of States were involved and that the negotiations included lots of views and lots of voices. And the fact that we have worked out an acceptable amendment for parties from very divergent points of view tells you that this was a compromise that was tough to fashion and that, therefore, sits, frankly, on a fragile foundation.

Those that we have heard from thus far are all good friends. I compliment Senator BAUCUS for his leadership, patience, and expert hand in leadership in terms of getting us as far as we have come. I also say to the Senator from Indiana, with whom I have had significant disagreements on this issue-that is understand his point of view. He is saying, "do not send it my way." I am saying that in the State of New Jersey our capacity has been used by friends and neighbors from around our region. They have used our landfills year after year after year, and we tried to stop them and even went to the Supreme Court. But we could not get it done. They said: Too bad, New Jersey, you must take what it is that you are being sent. As a consequence, our capacity has rapidly disappeared to where we were left to our own devices.

So although I do not have precise information, I believe that had we not accepted all of this waste, we would still have enough capacity to deal with our own needs. Be that as it may, it is history now. The fact is that we are out of space. We are scurrying from pillar to post to try to find solutions.

I must say that, with a great deal of pride, New Jersey has done almost miracles. We now lead the country in terms of State recycling programs. We are recycling over 50 percent of our solid waste, and the Governor and our State legislature support a 60 percent target by 1995, not very far away. But we are running some significant risks here, because the best plans, need I tell people in this body, often go awry.

So here we are. We have achieved a

So here we are. We have achieved a very delicate compromise, in my view. Again, my compliments go out to my colleagues who labored so long and so hard. I am pleased that the Senator from Ohio did come in with a suggestion at the end that kind of got the most difficult parts together. The fact is that, by that time, the Senator from Indiana, the Senator from Montana, and I, and a couple of others, including my colleague, BILL BRADLEY, had put in almost 48 hours in terms of time on this measure.

We worked very hard. There was an interest in solving the problem because we had no choice, Mr. President, we had to solve this problem. States were demanding action to reduce the quantities of garbage that were sent to

them. So we have arrived at a solution that we hope will continue to put the pebbles in the shoes of those States that would export more. And we are saying to everybody around this country, listen, get on to solving the problems, get on to a rational approach to waste disposal, because the States today that are importers are very likely to be tomorrow's exporters. There is case after case that indicates that.

So I say, to confirm what my distinguished colleague said already, that is, we are where we are. Time is flying by. We do not have much left. The majority leader has extended the courtesy of elongating the day so we can conclude this business. Therefore, I tell you that any amendments that add injury to my State will receive less than an enthusiastic response from me and from my colleagues from the areas affected.

We will work very hard, and we appreciate the pledge of support from the Senators from Ohio, Rhode Island, from Indiana, from Montana that they are going to resist amendments.

I would say to those either within earshot, or those planning to come to the floor with an amendment with whom we will have a chance to talk. please do not do it, because what you will get is nothing. We will not have a bill. We will not have a lid on the volume of material that is imported to the States and we will give some States that may not have been as aggressive as New Jersey has a chance to deal with their problems further relief from having to structure a sensible waste disposal program.

Mr. President, I am pleased that we have worked out an acceptable amendment with the Senator from Indiana.

I can agree to this amendment only because it protects existing written, legally binding contracts for interstate waste shipments.

The amendment clearly provides that this bill prevents a Governor from taking any action to abrogate existing garbage contracts to the extent that the level of garbage exported to a landfill or incinerator under such contract does not exceed the amount of garbage exported under such contract in 1991 or twice the volume of the first 6 months of 1992 whichever is less.

So existing written, legally binding contracts would be protected under this bill through June 18, 1999.

Mr. President, the committee proposal explicitly protected existing contracts. In doing so, the committee recognized the need for a period of time to allow states to reduce their exports and understood that the sudden abrogation of existing arrangements for waste disposal could impose costly, environmentally destructive measures on communities suddenly finding themselves without an acceptable option for waste disposal.

Mr. President, S. 2877 with this amendment would respect existing legal relationships. This isn't a revolutionary idea. It's in our Constitution. Communities rely on these legal relationships. Termination of these contracts would result in a sudden termination of existing, legal commitments and threaten the ability of communities all across this country to dispose of solid waste in an environmentally responsible manner.

of the This concept is one underpinnings of this compromise legislation: the protection of existing waste disposal arrangements until such time as environmentally sound alternatives can be implemented.

While I am pleased that we were able to reach an accommodation which should improve chances for passage of this legislation, I want to put my colleagues on notice.

A number of amendments have been suggested which are inconsistent with S. 2877 and would be deeply injurious to my State. I would be compelled to do everything I can to see that these amendments are not enacted. So if my colleagues want to see S. 2877 pass today, I urge them not to offer amendments which would modify the philosophy behind S. 2877.

Mr. President, I hope that we will not have to witness anything more than a final vote on this bill to confirm the action that will be taken by this amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I support this modified amendment, because I think it is a substantial improvement over the arrangements which were pending at 1 o'clock today-the time is now 4:50-when I commented on the pendency of the negotiations at that

I concur with my colleagues who have articulated the proposition that this really is not a satisfactory bill, not satisfactory from the point of view of the Commonwealth of Pennsylvania, but obviously it is the best arrangement that can be made at this time and certainly better than where the proposed compromise stood at o'clock. As I have said about 4 hours ago, the negotiations were made complicated by the fact that to have no action taken would probably be the worst of the alternatives since if nothing was done there would be no progress at all. In the face of the prospect of having the bill removed from the floor there was considerable pressure to take the best deal that could be obtained, and the modifications which have been made since 1 o'clock are very substantial.

What we are dealing with here, Mr. President, is the effort to stop the interstate transport of municipal waste which has been enormously burdensome to many States like the Commonwealth of Pennsylvania. My preference would have been to have granted the Commonwealth of Pennsylvania the authority to have limited or even better yet to stop interstate waste. It is a complex constitutional issue. States could not do it on their own in what is called a dormant position by Congress but on an expression by Congress that States do have the authority to limit interstate waste disposal.

When the issue was pending at 1 o'clock we were looking at the higher of 1991 or 1992 levels, with 1992 being computed at twice the first 6 months of 1992. There has now been an improvement so that the contracts are protected to the lesser of 1991 or 1992. And for Pennsylvania 1991 will be a lesser burden.

We had considerable concern about the exception for existing contracts. because of the report that contracts may have run for 20 or 25 years, which is obviously enormously burdensome. and that kind of a loophole would virtually destroy the ability of the Governors to limit the importation of garbage and municipal waste. After considerable negotiations and considerable discussions that period has been limited to 7 years. So that the Governors will have the power to abrogate, nullify, or in effect end contracts at that period. I think that is too long, but it is better at least to have legislation today which sets that time limit than to have no legislation at all and have the possibility of contracts extending for 25 years. Equally burdensome, States or State Governors would not have any authority to limit garbage and waste coming into their States.

A very important additional provision was added and that is the concept of ratcheting down, which means that aside from contracts a limit of 30 percent out of State waste would be imposed on landfills which will be reduced to 20 percent, and then to 10 percent. So that in the future we will have a situation where Pennsylvania can limit the amount of municipal waste that comes in from out-of-State to 10 percent, and time does pass.

This issue was first called to my attention many, many years ago when I was in Scranton, PA, where the stench was horrible from garbage at a waste station which stored garbage coming in from out of State. My then-colleague Senator Heinz and I introduced legislation to try to limit the amount of municipal waste that came in from out of State.

I then worked with the distinguished Senator from Indiana who has played a key leadership role and had an amendment passed some time ago which would have been more restrictive. Unfortunately, it could not get through for a variety of reasons which I shall not detail at the present time. But the problem has been with us for a long time, and at least in 1992 we have the prospect of getting a bill passed which, while not perfect, does establish limits which will be very, very important for a State like Pennsylvania.

Like the distinguished Senator from Ohio I had a number of amendments that I wanted to add relating to toxic waste, and industrial waste, and amendments that would have given financing to local municipalities to have inputs when waste incinerators or other landfills were to be sited in their area, but I shall desist from offering any amendments at this time in the interest of getting this bill passed. I have not made a commitment to oppose any amendments which may come up. I reserve the right to analyze each of them individually.

I would like to take up one issue with the distinguished Senator from Montana, the floor manager, Senator BAUcus, and also the distinguished Senator from Rhode Island, Senator CHAFEE, and that is on the issue of the new contracts. The legislation as it currently stands preserves contracts for a period of up to 7 years and after the seventh year the Governor has the authority to nullify or abrogate the contract. But the only contracts which were preserved, as I understand it, and I am reasonably sure I am correct on this but I think it is important for legislative history to have the concurrence or opinion of the managers of the bill that if there is a new contract then the new contract is not preserved, that any new contract may be abrogated by the Governor at any time.

Mr. CHAFEE. That is right. Mr. BAUCUS. That is right.

Mr. SPECTER. I have a couple followup questions I will ask. For implicit purposes that is an accurate statement of this bill.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. The statement of the Senator from Pennsylvania is also the understanding of the managers of the bill, namely that the limitations on the Governors' right to abrogate private contracts does not apply to new contracts.

Mr. CHAFEE. No.

Mr. SPECTER. I ask for the concurrence of my distinguished colleague, Senator CHAFEE.

Mr. CHAFEE. The Governor would have the right.

Mr. BAUCUS. I said the limitation.

Mr. CHAFEE. The limitation does not apply; therefore, the Governor would have the right in a new contract to abrogate that. That would be the 7-year rule would not apply to that new contract.

Mr. SPECTER. So that any new contract which is entered into the Governor has the authority to abrogate or nullify the contract.

Mr. BAUCUS. To be absolutely precisely accurate on this, the provision of the bill provides that new contracts must be host community agreements and the Governor would have the right

to abrogate new agreements that are not host community agreements.

Mr. SPECTER. But they must be host community agreements but even so the Governor has the right to abrogate or nullify.

Mr. BAUCUS. Only if the new agreement is a host agreement, that is correct.

Mr. CHAFEE. That is correct.

Mr. SPECTER. The next point I wish to take up with the managers is it is a matter of the State, for example the law of the Commonwealth of Pennsylvania, to make a determination as to what is a new contract.

Mr. BAUCUS. That is correct. It is State law. State contract law applies as to whether the contract with respect to solid waste coming into that State is or is not a new contract.

Mr. SPECTER. I ask my colleague from Rhode Island for his concurrence.

Mr. CHAFEE. The question is, If a new contract is entered into in the shipping State, the State where the trash originates, would the host receiving-State law apply to that contract?

Can you proceed with the next question? I will have to get an answer.

Mr. SPECTER. I am glad to tell the Senator from Rhode Island that is the last question.

Mr. CHAFEE. I am glad to know that is the last question.

If the Senator would just give me a minute to check.

Mr. SPECTER. I would be glad to. It

is a very important point.

While you are checking on it, I think the intent is plain here, that since the trash would be deposited in the host State, that it would be the host State that would have the governing law. The contract would be entered into by someone who would be shipping from out of State to in State landfills. Therefore, it would be the receiving State which would have the burden of landfilling the waste. So that it would follow that it would be the host State which had the burden, which would have the State law to govern whether or not it was a new contract.

Mr. BAUCUS. Mr. President, the Senator from Pennsylvania is a very able lawyer and he asks a very good question, and that is, which State contract law applies? That is the essential question.

The amendment and the bill are silent on that question. I suppose there are really two answers. One is that it is a question that would be resolved in the ordinary course of contract law between the two States anyway. Some State contract law is going to apply.

Mr. SPECTER. If I might interrupt, if my colleague would yield, we had this discussion as part of very laborious negotiations—and I join my colleagues in praising the distinguished Senator from Montana—but to bring a cloakroom conversation to the floor, which I think is entirely appropriate, I

think my colleague will agree. Senator BAUCUS said to me, "Arlen, you have got the toughest State law of any of the 50 in construing contracts to be new contracts."

And I just want to be sure. Having been a lawyer who has read CONGRES-SIONAL RECORDS for establishing legislative intent, I want to make it easy on the judges—They have a lot of work to do—what our intent is here.

Senator BAUCUS said to me, "Pennsylvania has the law which is most favorable on construing any changes as a new contract."

I just want to be sure that that is what the managers concur with.

Mr. BAUCUS. It would be my preference that the host State contract law would apply. That would be my preference. If we want to establish a record here, at least one Senator believes that is what law should apply.

Mr. SPECTER. If the distinguished Senator from Montana would yield for just a brief followup.

When you say "preference," that is

your intent?
Mr. BAUCUS. That is my intent.

Mr. SPECTER. That is my intent and that is your intent.

And now we have Senator CHAFEE.

Mr. CHAFEE. I just want to say to the distinguished Senator from Pennsylvania, who is a very learned lawyer, that this is a murky field we are getting into, what law controls.

As the Senator well knows, it depends what jurisdiction you are in. Where is the case brought? Is it brought in the shipping State, originating State, or is it brought in Pennsylvania, for example?

So for me to say that the controlling law would be the law of the receiving State, regardless of where the suit was brought, is pressing me further than I

would be prepared to go.

I remember in law school, they have entire courses devoted to this subject. So for me blithely on this floor to say that, "Chafee on law speaks forth and says the law controlling will be the law of the receiving State," is going beyond my jurisdiction.

Mr. SPECTER. If the distinguished Senator would yield, let me pursue that in a way which I think will shed some light on our capacity and authority to determine that question.

When contracting parties enter in to a written agreement, they frequently say this contract will be governed, for example, by the laws of the Commonwealth of Pennsylvania. So the parties to an agreement may make a determination as to which law governs.

I think it is reasonably plain that, given the plenary power of the Congress of the United States, we would have the authority to make that determination, especially in a content where, speaking for myself—my agreement on this provision was given with some reluctance, my State bears the

burden of receiving the municipal waste and garbage, that the law of my State will govern. Part of this persuasion was given by the distinguished Senator from Montana, Senator Bau-cus, who said to me, as I have already recited, that Pennsylvania law is the most liberal and allows for the greatest latitude in construing a new contract. I want to see new contracts construed every time we can to give the Governor the greatest authority.

But I think, Senator CHAFEE, where you have the parties with the authority to bind the court on which law applies, that, certainly, the Congress has at least that much authority.

Mr. CHAFEE. Well, I just want to say to the distinguished Senator from Pennsylvania that it is fine by me-

Mr. SPECTER. I accept.

Mr. CHAFEE. If the law of the receiv-

ing State applies.

But I am not sure what weight that is going to carry in some court case. But if they want to cite what took place on the floor of the Senate on this particular day, that is splendid.

Mr. SPECTER. Well, I say to my colleague from Rhode Island-if I might supplement it one more time-we cannot determine what any court is going to say at any time. All we can say is what our intent is.

Senator Baucus and I have expressed our intent, and if at least your intent is the same, that is as much as we can do

Mr. BAUCUS addressed the Chair. The PRESIDING OFFICER (Mr. SHELBY). The Senator from Montana.

Mr. SPECTER. May I have a response from the Senator from Rhode Island?

Mr. CHAFEE. That would be my intent.

And if the case comes up sometime, I would be glad if the Senator from Pennsylvania would send me a copy of that case and see how far we got.

But in answer to his question, yes. Mr. SPECTER, I thank my colleagues.

Mr. BAUCUS addressed the Chair. The PRESIDING OFFICER. The Sen-

ator from Montana. Mr. BAUCUS. I wonder if the Senator from Pennsylvania would continue

with a colloquy.

Upon further reflection, I do not know, based upon the questions raised by the Senator from Rhode Island, whether it is good public policy for the Congress to say that only certain State contract law applies. I would suppose that in most cases these contracts specify which State contract law applies. I think ordinarily, in most cases, that should be a matter left to State law and the contracting parties.

This is my problem, upon further reflection. The more we say that the host State contract law applies, the more the host States are going to be tempted to either change their contract law or to work out some arrangement to the detriment of the importing State contracting party. I would think that in most cases it would be better for the parties themselves to work that out.

Now it very well may be that when the State of Pennsylvania or a municipality or the Governor, whomever, say a municipality or a landfill company is negotiating an agreement with a community in New York or New Jersey, they would discuss which law applies.

I think, in fairness to States and other parties, that they be able to negotiate various terms.

But I think it is a bit unwise to say, in all cases, regardless of what the parties agree to, that the host State's con-

tract law applies.

For example, what if the parties do not want the host State contract law to apply? What if the host State party agrees that, for whatever purposes, it makes sense for some other State-let us say the exporting State-contract law to apply? Do we want to say, regardless of what the parties may want, that only the host State contract law applies? I do not think we want to do that.

Mr. SPECTER. I would reply to my distinguished colleague that this legislation is quintessentially governmental regulation because of necessity to control what contracting parties are going to do on municipal waste. The essence of this legislation is to say to contracting parties, you may not make decisions for yourself. A city in New Jersey may not send to Pennsylvania garbage without limitation. And the reason the Congress ought to act on this provision is that it may well be in the interests of New Jersey to have New Jersey law govern and the interests of Pennsylvania to have Pennsylvania law govern. And Pennsylvania may legislate on the subject and say Pennsylvania law will govern the receipt of any municipal waste and New Jersey may legislate to the country, wanting to maintain an upper hand on having its law govern or provide that all suits would have to be brought in New Jersey. And that is precisely the reason-when we are working through very, very, very difficult issues among States—the reason the Congress the created. We have this contentiousness between New Jersey and Pennsylvania because they are shipping smelly garbage that is stinking up cities in Northeastern Pennsylvania such as Scranton, but we have hammered out an agreement.

With all due respect, Senator BAUcus, we had the conversation in the cloakroom where you assured me that you are in good shape in Pennsylvania because you have a State that interprets the law, new contracts, most broadly. I think we ought to decide

this here and now.

One of the things Justice Scalia is widely known for saying is Congress never says what the intent is. There will be cases in court where lawyers will be arguing at length and judges will be pondering congressional intent and trying to figure out what has happened. Senator BAUCUS said he intends this to have the host State govern. Then he raised a question as to whether it is good public policy. Right now it is a very muddled record in terms of our colloguy.

Senator CHAFEE and I. I think, have

established the point.

So I hope the Senator would resolve-when he came back and said he does not think it is good public policy-that really is our function as Senators, to establish public policy, and we would make it clear-cut and say that the host State law governs.

Mr. BAUCUS. I just wonder. Does this means in every State, Congress is going to determine what State con-

tract law applies?

Mr. SPECTER. Absolutely not. I would say it is an extraordinary matter we have here, an extraordinary proceeding which we have this afternoon. This is a key point in coming to my agreement.

Mr. BAUCUS. I am not prepared to say that in all cases host State contract law applies. I just am not prepared to make that statement and say that is my intent. I say that because, as the Senator from Rhode Island pointed out, this is such a murky area. I do not know that it is good policy for us to establish at this time.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The

clerk will call the roll. The legislative clerk proceeded to

call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE WAR ON DRUGS

Mr. KERRY. Mr. President, I know my colleagues are trying to work out this thorny issue. I do not want to slow up the proceedings here. But I did want to take advantage of this moment to make a few comments, if I may. I will not prolong the effort to move back, if they are prepared to do so. But I did want to take this opportunity to make a few comments with respect to a couple of events today which the President of the United States took part in which evidence a desire by the President to highlight the issue of drug use and drug abuse in the United States.

It is my perception that under the "leadership" of the President—I put quotations around that—that the drug war has really become the forgotten war, especially in our major cities where the epidemic of drugs and drugrelated violence has never been worse. Frankly, for 31/2 years, now, all we have

heard from the President on the issue of drugs is how much progress we have been making and how we have turned the corner and how, finally, we are

winning the war on drugs.

I think that most Americans have a different sense of what is happening with respect to drugs and I think it is that kind of Presidential pronouncement of a different reality in the face of that which most Americans are experiencing that helps to divorce the average citizen from government and helps to underscore the cynicisms that exist in this country today regarding the political process and those of us who try to govern.

I would not suggest that there has not been some progress in certain areas. But principally that progress has been in reducing the casual use of drugs in the suburbs of America. And that is a result of drug education. We ought to take a measure of hope and satisfaction from the fact that drug education, addressed to a particular community, does have the capacity to have some impact. In fact, in the last few years we have observed that education about smoking has had an impact and has diminished the number of people taking up smoking in America. Education about alcohol abuse has had an impact and has diminished people's proclivity to use hard liquor and, indeed, has changed drinking patterns in America.

So education about drugs, addictive drugs-nicotine and alcohol are addictive drugs-does have an impact. So, as I said, we can take some hope from the fact that over the last few years, education about parcotics has had an ef-

fect.

But even here the progress we have made has in recent months started to reverse itself. Last year cocaine use in every single category started up for the first time since 1985. That means there is more cocaine on our streets and in our communities; that means that, once again in America, more of our children are trying, buying, and even selling cocaine in and around our schools and our playgrounds. That is the situation in our suburbs.

When it comes to our cities, the drug-related crime is as bad as it has ever been in the United States, with pushers threatening to turn some of our urban neighborhoods into mini versions of Beirut, complete with bombings, as we witnessed in Boston only

last week.

Mr. President, as I mentioned, astoundingly, a couple of weeks ago in Boston, a car that belonged to a resident of one of our Boston housing developments was firebombed in apparent retaliation for the owner's cooperation with the police, who had indicted drug traffickers who were using that particular housing development as their home base.

woman whose car was firebombed had been trying to open a teenage center for the housing development in order to provide alternatives to the drug gangs. Within hours of the arrest of these individuals who were indicted, two of the major drug traffickers were released from jail on bail, and the woman's car was firebombed 48 hours later.

As Boston Mayor Ray Flynn commented after the attack, it was an incident that puts everybody to the test. And the question was: Are we going to protect and stand with law-abiding people who have the guts and courage to get involved and fight for their communities, fight for their kids, and fight for their families? If we do not fight for them on this one, then whoever is going to believe us?

Unfortunately, I believe that the kind of tough-on-crime rhetoric and the kind of staged events, where the President goes out, as he did today, to talk to Americans about the importance of this subject, only underscores the way in which we have not really fought for a domestic agenda that

makes real a war on drugs.

I believe it is important for people to understand that when we wanted to take funds away from building new nuclear weapons in the last couple of years, weapons that were aimed at Gorbachev's and Yeltsin's Russia, and we wanted to put those funds into getting treatment for drug addicts, we were fought every step of the way,

tooth and nail.

I recognize that President Bush has long contended that his real expertise and his real interests lie in the international arena, rather than in domestic policy. But his international war on drugs has been even less successful than the efforts at home. We have poured hundreds of millions of dollars into the Andean drug strategy, but coca leaf production is not down; it is up. Cocaine manufacturing is up, and cocaine traffickers have established new bases of operation throughout our hemisphere. Cocaine remains widely available on our streets. The price of cocaine is coming down, and the purity of cocaine is going up.

What is more, the Andean nations now refuse to extradite drug traffickers to the United States. Drug enforcement operations have been suspended in Peru, the largest coca leaf producer in the world, because the government there has abandoned democratic procedures. In Colombia, drug kingpin Pablo Escobar is shipping drugs and ordering murders on a daily basis in the luxury prison cell that he himself had de-

In Panama, the families of American servicemen who gave their lives in Operation Just Cause I think would be

signed

stunned to learn that fighting drugs is considered a low priority, a back-burner issue by the successors to Noriega. Drug trafficking and money laundering continue as before. The main difference

is that under Noriega, there was organized crime. Under President Endara, there is disorganized crime, and as much cocaine trafficking and more money laundering than ever.

Today, the world and our urban neighborhoods literally are awash in heroin. Heroin use in the United States is much higher than it was in past years, and we see that production is on the rise in Southeast Asia, Syrian-controlled Lebanon, and in Colombia. The DEA now estimates the purity level of heroin sold in our city streets is four times what it was a decade ago, and the price of heroin has plummeted. And cocaine dealers have joined forces with heroin salesmen to provide one-stop shopping in poison and in death.

It is really no wonder that the New York City police commissioner was

quoted recently as saving:

I look at the message coming out of Washington that we are winning the war on drugs, and I don't know what they are talking

Earlier this year in my State of Massachusetts, a 2-year-old girl was found at a day-care center carrying 11 vials of crack cocaine in her pockets, thinking that they were candy. Elsewhere, we read about a kindergarten child who found a gun in a stroller and used it to kill his little sister. We read about 3year-old and 4-year-old girls seeing their mothers killed in drug-driven crossfires.

We learned that one American student in five reports carrying a weapon to school, and that metal detectors are used in more than a quarter of our large urban school districts; that a crime, usually a crime related to drugs, occurs on or near a school campus

every 6 seconds in America.

We know that America now spends \$20 billion a year maintaining more than a million of our citizens in jail, and that our per capita imprisonment rate far exceeds that of any other nation on Earth.

If you add that up, Mr. President, I do not believe that we have grounds for patting ourselves on the back. I do not believe we have grounds for staging political events of congratulations.

I do not think we have the grounds for pride or satisfaction. We have instead a need that remains as urgent as ever to make real the war on drugs and to have action and to have change. It is my belief that we need to worry a lot less about funding corrupt militaries in places like Lima and La Paz and worry more about helping the police and community leaders and teachers and kids in places like Boston, Chicago, New York, Washington, Seattle, and Los Angeles, every city in America. need to spend less trying to buy off the coca farmers of Northern Bolivia and more trying to help students stay off or kick drugs at home. Above all, we need to spend a lot less time trying to take election year credit for the ex-

traordinarily modest and limited gains with respect to the lack of casual use of cocaine when in our cities hard use

remains as heavy as ever.

Mr. President, it is clear that every expert in this Nation suggests this is a country wealthy enough and considerate enough to have treatment on demand for those addicts who need that treatment in this country. After the seventh or eighth declaration of war on drugs, only about 20 out of every 100 addicts in America get that treatment. So we are essentially saying we have a war, but for 80 percent of the addicts there is nothing. The same for our kids in school. Only 55 percent of the kids in our schools are being educated about the problems of drug use. What are we saving to the other 45 percent? That they are not part of the war, that they are not part of the country, that we do not care?

So, Mr. President, I suggest that the President of the United States ought to think hard before he tries to make the war on drugs an election year issue and before we see in this country an even greater gap between citizen and politician, between citizen and Government on the question of what our rhetoric is really backed up by. It seems to me that the more we pat ourselves on the back for things not accomplished and for things unreal, the more we underscore to people in this country the degree to which Washington is out of touch and the degree to which there is a different set of real concerns and real needs in America to which the citizens are going to demand we respond.

I cannot think of anything more telling than a police commissioner in the city of New York saying to us, "I do not know what they are talking about in Washington, because that is not what I see in my streets." And I can tell you that is not what you see in any of the court systems of this country or in any of the back alleys or in any of the tenements. We are a nation under siege, and it is time for the President to understand that and to put the re-

sources into a real war.

When it came to Desert Storm, we did not have to struggle in this country. We found those resources for a war far away. There is a threat at home today. If Desert Storm was the President's Normandy, I will tell you the war on drugs is the President's Waterloo because this President has simply not put the resources there, nor the leadership necessary to deal with this problem. I think all of us are sick and tired of being part of the process where we have more and more rhetoric, more and more promises, and less and less delivery

I yield the floor.

INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE ACT OF 1992

The Senate continued with the consideration of the bill.

Mr. SPECTER. Mr. President, Senator BAUCUS and I have had a discussion and I think have come to an agreement that it is the intention of Senator BAUCUS and myself and the legislation that the host State law will govern as to the issue of what is a new contract.

The PRESIDING OFFICER. The Sen-

ator from Montana.

Mr. BAUCUS, Mr. President, the Senator is correct. With respect to only one issue, one issue only, that is whether there is a new contract or not, the host State law will apply.

Mr. SPECTER. I thank my colleague from Montana. That was the one issue

that concerned me.

Mr. BAUCUS. But to make the record as clear as possible, a la the concerns of Justice Scalia, with respect to other contract provisions it is an open question as to which State law applies.

Mr. SPECTER. Only as to whether it is a new contract, because if it is a new contract, then the Governor has abro-

gation authority.

Mr. BAUCUS. Exactly.

Mr. SPECTER. It is only as to that one issue.

Mr. BAUCUS. With respect to contracts signed after June 18, 1992.

Mr. SPECTER. Correct. I thank my colleagues.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

I withdraw the request, Mr. President.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2736) was agreed

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WELLSTONE. I rise to support the efforts of my distinguished colleague from Montana to report balanced and reasoned legislation regarding the interstate shipment of municipal solid waste.

While most States find themselves engaged in this controversy as either a waste exporter or waste importer, Minnesota is one of the States in the middle-little waste is imported into Min-

nesota, and little is exported.

Minnesota does not import large amounts of waste because of the significantly higher tipping fees at Minnesota's solid waste management facilities-partly due to the State's standards for the protection of public and environmental health and safety. And with respect to those wastes shipped out of my State, the State's policy is to see that the wastes are disposed of in an environmentally sound manner.

Much of the debate surrounding amendments to S. 2877 centers on the controversy over State authority to restrict or prohibit waste imports. This misses the critical point of achieving safe, economical waste disposal. Moreover, by addressing these issues out of the context of reauthorization of the Resource Conservation and Recovery Act [RCRA], this debate misses the critical issues of waste reduction and materials reuse and recycling.

My distinguished colleague from Montana has worked hard to produce legislation addressing these issues, S. 976, but it appears that this Senate may not be able to address reauthorization of RCRA due to the controversial nature of many of the provisions in the bill and possible amendments. Absent the time and political consensus to address these issues, the Senate has deferred to consider this limited issueinterstate transport of municipal solid waste.

While there has been much spirited debate over the last 3 days. I fear that while we have felt much heat we have seen little light. Political posturing can be a disservice to rational materials and waste management-and to achieving needed environmental and public health objectives. Promoting warfare between the States is largely

counterproductive to the basic and most important questions of reducing, reusing, and recycling waste materials and achieving their safe disposal.

For those States which are concerned about imported wastes. I would encourage them to establish strict standards for all waste disposal-standards which will ensure the protection of public and environmental health and safety. States which establish high standards will find that the cost associated with those requirements will help encourage recycling and discourage waste imports—perhaps even more effectively than the provisions of this bill.

Mr. President, I ask unanimous consent that two letters appear immediately following my remarks. I believe that these two letters effectively capture the dilemma faced by all of us

today.

The first is a letter from a range of public interest groups urging Senators to oppose all amendments to S. 2877 and support a strong RCRA reauthorization. The second is a letter from the U.S. Chamber of Commerce urging Senators to oppose all amendments to S. 2877 and arguing against many of the provisions which would be addressed in a strong RCRA reauthorization.

In conclusion, I support the efforts of my distinguished colleague from Montana in seeking balanced and reasoned legislation addressing the interstate shipments of municipal waste. However, I encourage him to redouble his efforts to bring before this body legislation to address the underlying issues-legislation to reauthorize the Resource Conservation and Recovery Act. While, as the letters following my remarks demonstrate, taking action on a strong RCRA reauthorization will engender conflict between interest groups and Washington lobbies, it is what the public wants and what we should find the political will to accomplish.

There being no objection, the letters were ordered to be printed in the

RECORD, as follows:

July 20, 1992.

DEAR SENATOR: We urge you to oppose all amendments to the Interstate Transportation of Municipal Waste Act, S. 2877, when it comes to the floor of the U.S. Senate. We strongly believe that this bill should not be used to end debate and consideration of legislation to comprehensively reauthorize the Resource Conservation and Recovery Act (RCRA). A comprehensive RCRA bill should include provisions to:

Reduce the threat posed by unregulated in-

dustrial waste;

Give people the right to know about the toxic chemicals used and emitted in their neighborhoods:

Require companies to develop plans to voluntarily reduce their use of toxic chemicals: Clean up oil, gas, and mining wastes;

Prevent the exemption of a significant portion of the hazardous waste from existing environmental waste management requirements under RCRA;

Restrict the construction of new hazardous waste incinerators and cement kilns until toxics use reduction programs are estab-

lished:

Establish a time out on the construction of new municipal solid waste incinerators in order to establish recycling programs:

Create markets for recycled materials; Establish a national beverage container recycling program; and

Eliminate the lead and other chemicals

from used oil before it is burned.
We look forward to working with you to

enact legislation that includes these essential public health and environmental protection provisions.

We also urge you and other Senators appointed to a Senate-House conference on this bill to vigorously oppose adding any provisions to S. 2877 that do not deal with the interstate transportation of solid waste provisions of S. 2877, should the bill go to conference with a bill from the House of Representatives.

Thank you very much.

David Gardiner, Sierra Club; Gene Karpinski, US Public Interest Research Group; Brooks Yeager, National Audu-Society; Marchant Wentworth, bon Izaak Walton League; Manik Roy, En-Defense Will vironmental Fund: Collette, Western Organization of Resource Councils; Philip Clapp, Clean Water Action: Allen Hershkowitz, Natural Resources Defense Council; Velma Smith, Friends of the Earth: Carl Casebolt, National Council of Churches; Becky Cain, League of Women Voters.

OF COMMERCE CHAMBER OF THE UNITED STATES OF AMERICA, Washington, DC, July 20, 1992. Washington, DC, July 20, 1992.

Members of the United States Senate:

The Senate will soon consider S. 2877, the Interstate Transportation of Municipal Waste Act of 1992, introduced by Senators Baucus and Coats. The U.S. Chamber of Com-

merce Federation of local and state chambers of commerce, businesses, and associations has identified reauthorization of RCRA to improve solid waste management in the United States as a 1992 National Business

Agenda policy priority.
We believe it important that S. 2877 not be amended. Only a "clean" bill is likely to pass. Toward that end, we oppose mandated recycling or a national beverage container deposit requirement, as well as any attempt to codify the "mixture" and "derived-from" rules pertaining to hazardous waste. Our po-

sitions are set forth more explicitly, below. We understand that amendments may be offered to require recycling of packaging, including to require deposits on beverage containers. We ask that you oppose any such amendments because—as I will summarizepackaging is not the problem in municipal solid waste. Conventional wisdom may say otherwise, but the statistics do not support the notion. Requiring recycling of packaging, or a national deposit system, raises prices on the store shelf and is anti-consumer. Costs are disproportionately applied in urban and rural areas.

According to EPA data, from 1975 to 1988, packaging waste grew at a rate of 0.6 percent per year, below the rate of growth in population of 1.0 percent per year, and below the rate of growth of all municipal solid waste (MSW) of 2.0 percent per year. Other categories of MSW grew at much greater rates. Because of new materials and new designs, packaging is the best waste reduction suc-

cess story we have.

The recycling provisions in S. 976, or in H.R. 3865, will hardly affect MSW. For example, if everyone chose the recycling option in H.R. 3865, rather than the other options of recycled content, reuse, or lightweighting, EPA statistics show that packaging recycling would increase 1.6 percentage points, comparing 1988 performance to 2000. With the present system in the hands of the states and municipalities, performance is already better than this-without federal interference. At the same time, forcing packaging recycling will not solve the MSW problem. There simply isn't enough recyclable packaging in MSW to make a large difference, mostly because of the ongoing packaging-waste reduc-

Beverage containers make up three percent by weight, and 2.5 percent by volume, of the MSW discarded. Whereas recycling the containers saves energy during manufacture, the return system consumes more gasoline and diesel fuel for collection. Unclaimed deposits can exceed the entire cost of the municipal solid waste management system. Deposits regressively affect the poor. Based on analyses from the General Accounting Office (GAO) and others, a deposit system raises the cost of municipal recycling systems. Deposits reduce the litter from beverage containers, but local jurisdictions must still collect all the other litter. Total litter reduction is better achieved by total community programs, such as Keep America Beautiful.

Based on a GAO opinion survey, there is a mistaken belief that the general public overwhelmingly supports a deposit system. The survey was flawed in several respects; GAO admits to one of the flaws in their report. Contrary to any such survey, 38 states have recently rejected beverage container deposit legislation.
We ask that you vote against any attempt

to add mandated recycling or a national beverage container deposit requirement to S. 2877.

We also understand that an amendment may be offered by Senators Durenberger and

Chafee to codify the so-called mixture and derived-from rules for the management of hazardous wastes. These rules are arbitrary and arcane and are best left to the regulatory process. We ask that you oppose any such amendment for the following reasons.

The mixture and derived-from rules were first proposed in 1978 when the hazardous waste management system was in its infancy. Recently, the Supreme Court held that the rules were improperly proposed and instructed the Environmental Protection Agency (EPA) to correct the deficiencies. EPA immediately re-established the rules on an interim basis (through April 1993) in order to maintain continuity in the waste management program. EPA on May 28, 1992 proposed a substitute rule. This rule better reflects the current state of waste management, and reveals an understanding of how to protect human health and the environment. Until a new rule is adopted, the hazardous waste program continues unchanged. When an appropriate new rule is adopted, the program will be that much better off.

Because the EPA had begun work on the

new rule long before the Supreme Court's recent decision on interstate transportation of solid waste, they were able to move quickly once the decision was announced. Their new formulation was announced on May 8, 1992, and notice published in the Federal Register on May 20. EPA held a series of four round table discussions with interested parties in June and July, and held a public hearing on July 9. Final comments are due July 24, and the deadline for rulemaking is April 28, 1993. This ambitious schedule, and outreach, enables the full participation of the many af-

fected parties.

According to the mixture rule, virtually any amount of hazardous waste, mixed with anything else, makes the entire mixture hazardous. The derived-from rule requires that any waste derived from the processing or treatment of a hazardous waste be treated as hazardous, whether or not it contains a hazardous constituent or displays a hazardous characteristic. Both rules have led to endless difficulties and needless costs.

Because these rules are so out-of-date, they "create" hazardous wastes that are not hazardous. These new "wastes" contribute to the problems of transportation and disposal

capacity.

The problems with these rules span technology, chemistry, engineering, toxicology, state roles, implementation, and more. It is overly simplistic to say the old rules should be retained or that the Supreme Court "gutted" the program. The investment by the public and private sectors to replace bad rules, to address a complicated subject, and to improve solid waste management, should not be abandoned.

We urge you vote against any attempt to codify the mixture and derived-from rules.

Sincerely.

WILLIAM T. ARCHEY.

AMENDMENT NO. 2737

(Purpose: To modify the definition of out-of-State municipal waste)

Mr. D'AMATO addressed the Chair. The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER.

clerk will report. The legislative clerk read as follows: The Senator from New York [Mr. D'AMATO] proposes an amendment numbered 2737.

Mr. D'AMATO. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, strike lines 3 and 4 and insert the following new paragraph:

"(3) With respect to a State, the term 'outof-State municipal waste' means municipal waste generated outside of the State. The term shall include municipal waste generated outside of the United States."

Mr. D'AMATO. This amendment is a rather simple amendment. It would allow States to regulate garbage coming from other nations, from other countries, in the same manner as garbage coming from another State.

I commend my colleagues for attempting to deal with a very vexing problem, the problem of having unrestricted amounts of garbage coming into their States. That is the genesis of the legislative efforts of Senator COATS. I understand that. I appreciate that.

At the same time, I want to be sure that the people of my State are protected from something that grows more onerous on a daily, weekly, monthly basis, and that is unrestricted garbage coming from over the border from Canada. It is coming in more and more. It is coming in huge volumes. It is coming in because it is economically advantageous for the Canadians to ship it out.

Now, I am prepared to speak at great length, if necessary, to bring this point home. But I wanted to just give you a little capsule of this. By the way, this garbage is totally unrestricted in terms of amount, volume, and type. There is no inspection of this trash. Up until July 1991, the Agriculture Department had controlled the flow of garbage coming from Canada. Under pressure from Canadian garbage haulers. the Agriculture Department reversed that policy. They said that they had no authority to do this. So now not only do we have unrestricted, in terms of volume, garbage coming in but also not being able to ascertain whether there are any special hazards in that gar-

That is simply not justifiable. If a State should have the ability to see to control the amount of trash it receives from a sister State, certainly we should have the right to control the amount of trash coming from another country.

So this Senator, while I am very cognizant of the amount of time and efforts that my colleagues have devoted to the subject, says we want the same consideration as it relates to foreign

governments.

If there is a treaty covering this situation—such as the Basel Convention—then so be it. Then the treaty can take precedence over it, if that be the case.

But for us to sit back and wait for the treaty that may or may not take place a year from now, 2 years from now, or 5 years from now, or, in the real world, maybe never, is not good enough for this Senator.

Let me say that I could have had this amendment relating to this issue of Canadian garbage accepted on the agricultural bill, and we were at that point asking not that there be any prohibitions or restrictions or limitations, but that there be inspections made. And at that point in time I was asked by some of my colleagues not to go forward with that amendment because of the negotiations related to the shipment of garbage, and that any mention of trash would open the so-called Pandora's box.

The Pandora's box is open. This is exactly the legislation that my friends and colleagues at that time were talking about. For me to look away and simply say, well, sure, you can take care of all these other problems but we do not have to worry about New York and about our problem as it relates to the dumping in our landfills or garbage that comes from outside this country is something that I simply cannot stand by and allow to take place.

So, Mr. President, I hope the managers of this bill will see fit to give—by the way, it is New York today that gets the lion's share of this garbage. As our landfills become increasingly overtaxed, and closed down, that same garbage is going to find its way into other

municipal and State streams.

It seems to me that it makes good sense to provide this protection for all of our States because indeed if Canada can find cheaper methods of disposing of this waste, they will do it. So today it is the landfills of New York, tomorrow they will be the landfills of Pennsylvania, and the next day who knows. I do not think they will get as far down as Alabama, but if you have a cheap landfill and it is profitable, they will do this.

By the way, the municipal governments in Canada are not in opposition to this legislation. As a matter of fact, the local government unit in Toronto has lost about \$200 plus million in revenue and is deeply concerned. Since July of last year, approximately 1.5 million tons of waste has been shipped into the United States. And the Toronto metropolitan government reports that until the United States stopped its restrictions of Canadian solid waste-its municipal landfill received essentially all the commercial and municipal solid waste from the surrounding areas. Now that waste is being shipped across the border because it is cheaper.

Mr. President, it is a matter of economics. Currently it cost about \$150 per ton to landfill garbage in Canada. But in the United States, landfill owners charge about \$35 a ton for landfills.

So Canadians can now get rid of their garbage at a bargain price, and the Canadian tide of trash will increase as a result. Landfill space, and the prices of landfilling to businesses and municipalities in our region will skyrocket.

This is a growing problem. The New York Department of Environmental Conservation has said that the amount of solid waste crossing the border is increasing. In the last quarter of 1991, the amount of waste received by several New York landfills increased fourfold. The Department of Environmental Conservation has also informed us that many truckloads pass on through New York for disposal elsewhere.

We have heard a lot of talk on this floor about communities that must cope with the problems of out-of-State waste. Let me tell one story that I think the supporters of this interstate

regulation can relate to.

The city of Auburn in Cayuga County, NY, has been ordered by the Department of Environmental Conservation to close its landfill by September 1993. In the meantime, the previous mayor apparently entered into contracts with Canadian haulers to generate additional money from this landfill in order to finance the construction of a new landfill that meets new, tougher State and Federal environmental regulations.

As if that is not bad enough, the city of Auburn under the contract reportedly charges \$64 a ton for a local landfill user, but only \$30 a ton for garbage coming from Canada. It has been estimated by the New York Department of Environmental Conservation that the city has been receiving 75 to 100 tons a day from this out-of-country garbage.

Those of us who have supported the free trade agreement know that the open-border policy was not intended as an opportunity to make the United States the garbage capital of North America. This abuse of the agreement must be halted.

Mr. President, if we are going to deal with out-of-State trash, we should deal with all out-of-State trash. That is what my amendment does. It does not change the basic agreement that was made. It simply says all out-of-State trash, even that generated outside of

the United States.

It seems ridiculous to me that we are setting up a system that allows States to restrict trash coming from a fellow State but leaves open the door to a tide of trash from outside of the country. It seems unfair that we would permit, in effect restrict, trash from New York going someplace else but continue to force out-of-State trash down the throats of New York and other States from landfill operations that are located outside of the United States.

I ask those who support the concept of allowing States to restrict the flow of garbage across State lines to apply the same reasoning to allow New York and other States to control the unwanted movement of trash across our

Nation's borders.

Mr. President, I hope that we can accept, the managers of this bill will accept, the amendment. If not, I will push for a vote or ask for a vote on this because I believe that it is important and good legislation, and it certainly does not do violence to the free-trade agreement that we have established with Canada, although some may claim that to be the case.

Mr. President, I ask for the yeas and

nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a suffi-

cient second.

Mr. D'AMATO. Mr. President, in that case I am prepared, unless we get an opportunity to vote on this matter, to continue to hold the floor if that is what the managers want. I do have other things to do but I will say that this is a rather important matter.

Mr. BAUCUS. Mr. President, will the

Senator yield?

Mr. D'AMATO. Certainly. Mr. BAUCUS. Let me look at the amendment to see what it is. As I understand the Senator's amendment it says the term out-of-State municipal waste means municipal waste generated out of the State, and the term shall include municipal waste generated outside of the United States.

So it is the Senator's intention that the pending bill, with respect to provisions applying to out-of-State waste imported to a State, also applies to

out-of-country waste?

Mr. D'AMATO, Correct. Mr. BAUCUS. Whether it is from

Canada, Mexico? Mr. D'AMATO. Anyplace. The theory being that certainly if a State should be restricted and have reasonable restrictions placed on it sending garbage to other States, certainly our States should have the same protection as it relates to waste that would be generated from outside of the borders of our country coming in. Certainly, States should have that same kind of protection that is being considered within the bill. I am not attempting to make it more restrictive or less restrictive, but apply to garbage that would be generated from out of the Nation. Yes.

Mr. BAUCUS. I have just received the amendment. This is a different version from the earlier amendment that the Senator was indicating he might offer. I will have to study it to see if we can

accept it or not.

If the Senator wishes to speak, fine, otherwise I will suggest the absence of

Mr. D'AMATO. I will suggest the absence of a quorum. I hope we can undertake this because again it seems to me that we had better look at this. And the Senator raises a point. I do not know if he intended to, but certainly he clarified an issue.

This does not single out any country. I do not know what happens if we do not have some legislation like this. Do we enter into some other free trade agreements? Are we going to be told then that the shipment of garbage from Mexico to the United States can be unrestricted, et cetera, and people would say, are not you stretching?

No, I am not.

Would that then take place because some landfill operator has the ability to take the vast amounts of trash that cannot be generated locally in his vicinity, nearest the country of Mexico. or anywhere else in a future time?

So I think if we are going to give States these rights—and I am not arguing against it, it is a very vexing problem-then certainly we should broaden it to protect us against the unrestricted garbage coming in from out of the country.

Mr. President, I suggest the absence

of a quorum.

The PRESIDING OFFICER. clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without

objection, it is so ordered.

Mr. BAUCUS. Mr. President, it is with reluctance that I am going to have to oppose this amendment. I say that because I understand what the Senator from New York is attempting to do here. I must oppose it because the effect of the amendment would be to discriminate. The State of New Yorkor any other State for that matterwould be in the position of discriminating against waste from other countries and particularly against Canadian waste. Canada is a signatory to the United States-Canadian Free-Trade Agreement. We are now in negotiations with Canada and Mexico under the North American Trade Agreement negotiations.

The U.S. Constitution provides that with respect to actions we take within our own country under the commerce clause, or the supremacy clause, that in some cases, the Congress can enact legislation which will allow some kinds of discriminatory effects, as we are now doing in this interstate bill. That is, this bill will allow Governors of States to abrogate contracts involving out-of-State waste and will, in some cases, give some preference to waste,

generated within a State.

The Constitution allows the Congress, within our own country, to do so. We, however, do not have that same constitutional right with respect to other countries, particularly when the United States and other countries-in this case Canada-have agreed to certain trade provisions. Actions taken by the United States which discriminates against Canada, will violate the United States-Canadian Free-Trade Agreement. We do not want to enact provisions that would have the effect of violating that agreement.

Although the State of New York receives solid waste from Canada, at the same time, Canada receives hazardous waste shipped from New York. If we were to enact this amendment. Canada would certainly claim a violation of the United States-Canadian Free-Trade Agreement. But Canada also might begin to discriminate against hazardous waste from New York going to Canada, or they might enact fees or other discriminatory provisions with respect to solid waste or hazardous waste from any other State.

Knowing the Canadians as I do, they are tough negotiators. They stand tall for their people. They will probably look for other areas which will justify actions they are taking against the United States, pointing to this amendment which discriminates against Can-

ada.

So I think it is unwise, for us to adopt this amendment. I think it will cause more problems than it will solve for the reasons mentioned. I respectfully urge the Senator from New York to reconsider offering his amendment.

In the free-trade agreement, the United States and Canada have both agreed not to impose discriminatory regulations on imported goods. Under this amendment. Canadian waste is discriminated against vis-a-vis waste generated in New York. So even though the provisions of this bill can apply within our country, our Constitution does not provide for the same kind of discrimination with respect to other countries, particularly when the United States and Canada have expressly agreed not to pass laws and regulations which discriminate against imported goods. So I, at the appropriate time, will move to table the amendment, if it is still before us.

Mr. D'AMATO. Mr. President, let me attempt to address this issue. I certainly do not question the sincerity of the colleague who raises this. This seems to be the old bugaboo. We get so hung up on this free trade business that we do not really see the reality of

what takes place.

Then I hear my same colleagues complaining about when the trade provisions are not enforced fairly. That is as a little aside. The truck that comes into this country as a car and mysteriously becomes a truck for other purposes and escapes the fair taxation provisions, and then when it is in here, it does not have to meet any of the safety standards.

This is one Senator who says free trade has to be fair trade. Let us talk about it. The free trade agreement implies that waste could be defined as a 'good." Under the trade agreement, bilateral trade in goods is generally subjected to the General Agreements on Tariffs and Trades, known as GATT. Under GATT, our State prohibitions on out-of-State waste could be seen as a restriction on a trade product.

However, under article 22(b) of GATT, it can be allowed, if it is necessary, to protect human and animal

health and safety.

So I ask my colleague to reexamine his opposition to this position. The fact of the matter is that States should have a right to say, yes, we are going to have garbage that comes into our State regulated to the same degree, the same standards, as the quantity, quality, and safety, as we do garbage generated within the United States of America.

This business as to the waste and how much hazardous waste the United States sends over to Canada and vice versa, if they want to work on this, they can: but the fact of the matter is that in recent years we have been taking more of this waste into the United States than Canada takes from us. However, I am talking about garbage now. So let us not mix the two. They are not connected. Hazardous waste is covered by way of various bilateral agreements. So I am not attempting to get into that. So it is specious to bring up that this will somehow affect that kind of waste, because it is not part and parcel of this amendment.

I hope that we can deal with this, because I intend to get a vote on this. It is simply not fair. If people want to say, let garbage come in from out of the country, let it be unrestricted, let us not hold this trash flow to the same standards, then my colleagues should

vote on that.

But I do not intend to withdraw the amendment. There is a bilateral agreement on hazardous wastes between the United States and Canada. This amendment would not affect that agreement, not one iota. That is a specious argument.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without

objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to proceed for 2 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 3001 are located in todays RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WELLSTONE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without

objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to proceed for 4 minutes as if in morning business.

The PRESIDING OFFICER. Without

objection, it is so ordered.

HIGH VALUE ECONOMIC GROWTH PACKAGE

Mr. DOMENICI. Mr. President, on April 9, Senator SPECTER and I introduced Senate bill 2612. We called it the High Value Economic Growth Act. Since then, we picked up six additional cosponsors, and I will ask unanimous consent that they be made original cosponsors.

Mr. President, I ask unanimous consent that the Senators from New Hampshire [Mr. RUDMAN and Mr. SMITH], the Senator from Wyoming [Mr. SIMPSON], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Montana [Mr. BURNS], and the Senator from Virginia [Mr. WARNER] be added as cosponsors to S. 2612, the High Value

Economic Growth Act of 1992.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. The elements of the bill are familiar to the Senate: passive loss reform to end discrimination against real estate professionals and to encourage property owners to hold on to money-losing properties; \$5,000 first-time homebuyer credit; penalty-free withdrawal of IRA and other pension funds for down payments on first homes and automobiles; provisions to make it easier for pensioners to invest in real estate, and a 15 percent investment tax allowance.

They are familiar to the Senate because they are five of the seven provisions that the President asked the Con-

gress to pass by March 20, 1992.

The President asked the Congress to pass an economic growth package in a form he could sign, with a deadline of March 20. Instead, Congress sent the President a bill he could not sign. The President vowed he would not support a tax rate increase that so adversely affected job-creating small business, so he vetoed the bill this Congress sent him. Unfortunately, the economic growth package the President asked for is 124 days late.

What is the real world effect of this

missed deadline?

Jobs that could have been aren't—approximately 1 million of them; 1.2 mil-

lion families could be moving into new homes. Instead, houses that would have sold are still on the market, empty, with "for sale" signs instead of signs of children playing in the front yard.

People could be driving new cars.
And the boxes of new equipment to make workers more productive could be arriving right now in response to the investment tax allowance. Instead of doing something, we keep talking about competitiveness. The Senate Banking Committee held its 23d hearing on how to make America more

The bill I introduced last April includes five provisions. Each of these provisions meets a very high test: They create jobs, reduce the cost of capital; reduce the cost of labor; and act as in-

vestment incentives for the here and now to keep us on the track of economic recovery. This is my definition of what a high value economic growth

package should be and do.

competitive.

The package does not include the capital gains tax cut. We left it out because it is so controversial and too political. Several key Senate supporters of capital gains, as well as the President, recognize the difficulty in enacting a capital gains tax cut, but also realize the importance of doing something appropriate and meaningful now to ensure a continued economic recovery. They are willing to support a package that does not include capital gains even though they remain committed to its importance.

The included provisions would be effective, limited, and short term. They are the type of action we need right

now.

We will soon debate another tax bill in the Senate, and it will have many elements that the President, Senator SPECTER, and I recommended several months ago. It would not be hard to modify the High Value Economic Growth Act to include other tax changes which are vital to the Nation's economic health. The compromise enterprise zone provisions from H.R. 11 can be added, as well as repeal of the luxury excise tax. We can also add the extension of most of the expiring provisions, and, it can be paid for.

Alan Greenspan recognized that the 1991-92 recession was different. In his opinion the one unique factor threatening an economic recovery this year is the serious downward spiral in real es-

tate values.

His concern is well-founded. When the economy started to pick up last spring, the real estate sector, in general, was weak. Homebuilding did not begin to recover with the rest of the economy; it stayed weak. Consequently, it can be said that the fragile real estate sector held the economy back from recovery in early 1991.

The High Value Economic Growth Act focuses on this weak sector of the economy. The focus is not just for real estate's sake, it is for the entire economy's sake. There is a direct, but not so obvious relationship, between the strength of our real estate market and the strength of our financial institutions.

A decline in real estate values causes balance sheet problems for financial institutions. As real estate values have fallen, regulators have required banks to write down or write off many real estate loans. Financial institutions have been required to increase loan loss reserves. This has contributed to the credit crunch.

The resulting tight credit has hurt small businesses because banks don't have the money to lend because of the high reserve requirements required for their real estate loan portfolio. These small businesses have to do without the loans they need to expand. These small firms doing without are the same firms that generate most of the new jobs in our economy.

The High Value Economic Growth Act would help strengthen the real estate market. A stronger real estate market will improve the condition of our financial institutions, enhance credit availability for other small businesses, ease State and local budgets, and improve the overall economy.

There aren't many working days left in the 102d Congress. The President asked us at the beginning of the session in his State of the Union Address to enact a package of short-term investment provisions with the aim of increasing the Nation's good, encouraging economic growth and jobs. He asked us to do what is right and what will work.

We could have been on the road to a stronger recovery months ago. More people would be working. More homes would be sold and under construction. More new cars would have been purchased. We didn't act then, we should act now.

If we enact the High Value Economic Growth Act which is a short-term package the American public would say, "For once Congress came through."

Obviously, we have left out of this package the capital gains, so we have essentially assets of provisions that it seems everybody supports. Our best estimate is that it would add between 1 million and 1.2 million jobs for Americans. We could add to that, because such is working its way either through the Senate or the House, we could add the provisions for the enterprise zones. We could add the extension of the relevant extenders. Everybody understands those. Many of those are thought to be economically advantageous for our country: research and experimentation tax credit, a health insurance for the self-employed, the targeted jobs tax credits, mortgage revenue bonds, and others that are thought to be very important.

That package, in its entirety, with the ones that I mentioned that are part of the Domenici-Specter bill, will cost the Treasury \$20.3 billion over 5 years. I include those in a list to show what we could do. In addition, I show how we would pay for them. It gets easier to pay for because we are about \$10 billion less on the revenue negative side, because capital gains is out.

cause capital gains is out.

Obviously, I am in favor of capital gains, but I am also in favor of doing what we can now to add to the job base in this country to create good, solid jobs. I do not think we have to do that by spending money for projects if, indeed, we can put money in the hands of our people by sensitizing the Tax Code or the like and cause jobs to be created in a much more dispersed area than if we spent public money for Government programs.

So it seems to this Senator that the time has come for the President to join with Democrats and Republicans to pass a package like this. Essentially, it would add to the enterprise zones that everybody thinks we should do, or substantial numbers, in both Houses. It would add to that the extenders that are relevant to sustain economic growth and, in addition, it would take all of those actions that the Senate took when we passed the jobs bill but we included in that capital gains and then the Senate and the House included tax increases.

We leave those two out and we have a very good short-term package of jobcreating measures. My best estimate is—and those of experts—that this would create in the short term more than one million new jobs.

I believe the time has come to do something like this. I urge the President to advocate something like this. I urge Democrats and Republicans here to adopt something like this. The American people want us to take positive action, and this indeed is positive. It is productive. It will cause significant new jobs on the American economic scene.

I ask unanimous consent that a table relating to this subject be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

REVISED HIGH VALUE ECONOMIC GROWTH ACT—FISCAL
YEARS 1992–97
[In billions of dollars]

| | 1992 | 1992- |
|---|-------------|-------|
| Short-term growth proposals: 15 percent investment tax allowance (effective | | |
| Feb. 1, 1993) | | -2.3 |
| Simplify and enhance AMT depreciation (H.R. 11) | (1) | -1.4 |
| Passive loss relief (H.R. 11) | -1 | -2.5 |
| Feb. 1, 1993) | | -6.1 |
| Penalty-free IRA w/d for 1st time homebuyers (effective Feb. 1, 1993) | *********** | 6 |
| Facilitate real estate investment by pension funds (H.R. 11) | (1) | 3 |
| Enterprise zone/urban—rural distressed areas (H.R. 11): | | |
| Create 50 enterprise zones | | -2.5 |
| | | |

REVISED HIGH VALUE ECONOMIC GROWTH ACT—FISCAL YEARS 1992–97—Continued

[In billions of dollars]

| | 1992 | 1992- 97 |
|--|---|--------------------------|
| Additional assistance for tax enterprise zones | | 5 |
| Extension of expiring provisions for 18 months: Research and experimentation tax credit. Health insurance for self-employed Targeted jobs tax credit. Mortgage revenue bonds and credit certificates Qualified small-issue bonds. | - 2 1 (1) (1) (1) | -1.7 6 6 4 2 |
| Repeal luxury excise tax on airplanes, jewelry, furs, and boats, index automobile luxury ex- cise tax | (1) | 5 |
| Subtotal, revenue losers | 4 | - 20.3 |
| Offset options: | | Hilli |
| IRS 45-day processing rule | | 5.0 |
| Patent and trademark surcharges | *************************************** | 2.0 |
| Customs user fees | | 1.5 |
| VA housing reforms FEHB reforms | | .8 |
| Extend depreciation period for certain real es- | *************************************** | BOAR |
| tate | (1) | 3.1 |
| Mark-to-market for securities dealers | .1 | 2.7 |
| Tax treatment of certain FSLIC financial assist- | | - |
| ance | .2 | A |
| Corporation estimated tax, modify and extend | | 3.2 |
| Tax precontribution gain on partnership redemp- | | |
| Extend 53 percent and 55 percent estate tax | (1) | .2 |
| rate on large estates thru 1997 | | 1.4 |
| Reporting for seller-financed mortgages | (1) | .6 |
| Increase excise tax on certain ozone-depleting chemicals (on top of increase in energy bill) | | 3 |
| Repeal diesel fuel tax exemption for motorboats | | .1 |
| Subtotal, possible offsets | .4 | 20.3 |
| Deficit impact | 0 | 0 |

1 Gain or loss of less than \$50 million.

Mr. DOMENICI. I thank the Chair and I thank the Senate.
I yield the floor.

INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE ACT OF 1992

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Is there further debate on the D'Amato amendment?

Mr. BAUCUS. Mr. President, I think we have an agreed modification to the D'Amato amendment.

I wonder if the Senator has yet written that modification.

en that modification. Mr. D'AMATO. Mr. President, I am

Mr. D'AMATO. Mr. President, I am going to ask my amendment be modified. I will sent it to the desk.

Basically the amendment will say that, "to the extent that it is consistent with the United States-Canadian Free-Trade Agreement and the General Agreement on Tariffs and Trade."

So that there will be no doubt that, if this indeed is consistent with that, this will give us the ability to have unrestricted garbage from out of the country from Canada fall into the same restrictions that we have here in the country.

May I ask that my other amendment be withdrawn and I will send this amendment to the desk and ask for its consideration.

I ask unanimous consent that the D'Amato amendment that is now pending be modified.

The PRESIDING OFFICER. The Senator has a right to modify the amendment. The amendment is so modified.

The amendment (No. 2737), as modified, is as follows:

On page 11, strike lines 3 and 4 and insert

the following new paragraph:

"(3) With respect to a State, the term 'outof-State municipal waste' means municipal waste generated outside of the State. The term shall include municipal waste generated outside of the United States to the extent that it is consistent with the United States-Canadian Free-Trade Agreement and the General Agreement on Tariffs and Trade "

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. CHAFEE. I think we just want to make sure exactly what the amendment says and what we are doing here.

The PRESIDING OFFICER. clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 11, strike lines 3 and 4 and insert

the following new paragraph:

"(3) With respect to a State, the term 'outof-State municipal waste' means municipal waste generated outside of the State. The term shall include municipal waste generated outside of the United States to the extent that it is consistent with the United States-Canadian Free-Trade Agreement and the General Agreement on Tariffs and Trade."

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BAUCUS. Might I suggest a further modification: "To the extent that it is consistent 'with' the North American Free-Trade Agreement and GATT."

The PRESIDING OFFICER, Does the Senator from New York modify his amendment?

Mr. D'AMATO. Yes.

Mr. CHAFEE. It would be the United States-Canadian Free-Trade Agreement, not the North America Free-Trade Agreement.

Mr. BAUCUS. Mr. President, I sug-

gest the absence of a quorum.

The PRESIDING OFFICER. clerk will call the roll.

The bill clerk proceeded to call the

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without

objection, it is so ordered.

Mr. D'AMATO. Mr. President, on behalf of Senator MOYNIHAN and myself, I would like to first withdraw our initial amendment, and send another amendment to the desk that has been modified. And I believe the managers of the bill are prepared to accept it.

The PRESIDING OFFICER. Amendment 2737, as modified, is withdrawn.

The amendment (No. 2737), as modified, was withdrawn.

AMENDMENT NO. 2738

(Purpose: To modify the definition of out-of-State municipal waste)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself and Mr. MOYNIHAN, proposes an amendment numbered 2738.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, strike lines 3 and 4 and insert

the following new paragraph:

"(3) With respect to a State, the term 'out-of-State municipal waste' means municipal waste generated outside of the State to the extent that it is consistent with the United States-Canada Free-Trade Agreement and the General Agreement on Tariffs and Trade. the term shall include municipal waste generated outside of the United States.".

Mr. D'AMATO. Mr. President, thank both managers of the bill for their input. I believe we can now deal with the question of waste generated outside of the country fairly, and their suggestions are most appropriate. I thank them for having worked to make this acceptable. I hope it will deal with the problem which my State and other States will be confronting and have been confronting, which is trash coming in from outside the territories of the United States.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I think the amendment as modified strikes a fair balance between the goals we are

attempting to accomplish.

On the one hand, we like States to be able to treat out-of-State and out-ofcountry solid waste in the same way. On the other hand, we do not want to pass legislation here that is going to violate the United States-Canada Free-Trade Agreement. The actions here, if they have the effect of discriminating against waste from another country, do have that effect. The modification strikes that balance by providing outof-country waste will be treated the same as out-of-State waste, only to the extent it does not violate the terms of the United States-Canadian Free-Trade Agreement or GATT.

I think it is a good modification. I

wholeheartedly suport it.

Mr. CHAFEE. Mr. President, I commend the Senator from New York. I think he has done an excellent job on this, and was very helpful in agreeing to rectify the problems we were confronted with, namely the problems arising under the United States-Canada Free-Trade Agreement and the General Agreement on Tariffs and Trade.

So I think the Senator has accomplished his goal very successfully, and I want to congratulate him on one more

victory he has achieved.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2738) was agreed

Mr. D'AMATO, Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was

agreed to.

Mr. D'AMATO. Mr. President, if I might, I would thank the distinguished Senator from Montana, my colleague, for his help; and I thank Senator CHAFEE from Rhode Island for coming up with a thoughtful way to deal with what otherwise might have been a problem.

I thank my colleagues, and I also thank the senior Senator from New York [Mr. MOYNIHAN] for cosponsoring

this legislation.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 2739

(Purpose: To grant the Governor of a State the authority to prohibit, limit, or impose a differential fee on, the disposal of out-of-State municipal waste)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. DASCHLE, Mr. CONRAD, and Mr. BRYAN, proposes an amendment numbered

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without

objection, it is so ordered.

The amendment is as follows: Beginning on page 2, strike line 1 and all that follows through page 13, line 7, and insert the following new section:

SEC. 2. INTERSTATE TRANSPORTATION OF MU-NICIPAL SOLID WASTE.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

"SEC. 4011. INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE.

"(a) OUT-OF-STATE MUNICIPAL WASTE DE-FINED.-For the purposes of this section, with respect to a State, the term 'out-of-State municipal waste' means municipal waste generated in another State.

"(b) AUTHORITY OF GOVERNOR.

"(1) IN GENERAL.—Subject to the conditions of paragraph (2), the Governor of a State may prohibit, limit, or impose a differential fee on, the disposal of out-of-State municipal waste in any landfill or incinerator that is subject to the jurisdiction of the Governor.

"(2) CONDITIONS .- In carrying out an action under paragraph (1), the Governor shall-

"(A) carry out the action in accordance with guidelines that the Governor, in consultation with local governments of the State, shall establish to ensure that the authority under paragraph (1) is exercised in a manner that does not discriminate against any particular geographic area of the State; and

"(B) ensure that the action is not taken in a manner that discriminates against the disposal of out-of-State municipal waste on the basis of State of origin.

59-059 O-97 Vol. 138 (Pt. 13) 44

"(3) APPLICABILITY.—This subsection shall apply with respect to the disposal of out-of-State municipal waste on or after January 1, 1995.

"(c) EXEMPTION.—Nothing in this section shall be construed so as to prohibit a State that had in effect a State plan on May 31, 1992, that was approved by the Administrator not later than June 1, 1982, from carrying out the requirements of the State plan that relates to the disposal of out-of-State municipal waste. Notwithstanding any other provision of this section, the Governor of each State described in the preceding sentence may restrict the disposal of out-of-State municipal waste in any landfill or incinerator subject to the requirements of the State plan in the manner prescribed in the State plan."

(b) TECHNICAL AMENDMENT.—The table of contents of the Solid Waste Disposal Act is amended by adding after the item relating to section 4010 the following new item:

"Sec. 4011. Interstate transportation of municipal solid waste.".

Mr. MITCHELL. Mr. President, I wonder if the Senator will yield to me for a moment to propose a unanimous-consent request?

Mr. REID. I am happy to yield to the majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. I thank the Senator. Mr. President, under a prior order printed at page 2 of today's calendar, I have the authority to determine the time on which a cloture vote will be held on the motion to proceed to the energy bill, following consultation with the Republican leader, the time under the order to be during today.

I have consulted with the chairman of the Energy Committee, I have consulted with the distinguished Republican leader, and with the manager of the bill. It is my conclusion that all interests would be served if the cloture vote on energy were held tomorrow, which would give the managers the opportunity to complete action on this bill during the day tomorrow.

Accordingly, following that consultation with the Republican leader, the manager, and the chairman of the Energy Committee, I now ask unanimous consent that a cloture vote on the motion to proceed to H.R. 776, the energy bill, occur on Thursday, July 23, 1992, at a time to be determined by the majority leader after consultation with the Republican leader, provided that the mandatory live quorum required under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. No objection.

The PRESIDING OFFICER. Without

objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues. That will permit two things to occur. First, it will give an opportunity to complete action on this bill, on which so much effort and time has already been expended. And I commend the managers for their diligence in this regard.

It will also permit ongoing discussions with respect to the energy bill to continue with the possibility that they will be resolved—or the issues there will be resolved—during the day tomorrow

So I will tomorrow consult again with the distinguished Republican leader, and at sometime during the day I will announce a decision with respect to the cloture vote on the energy bill.

I thank my colleagues for their cooperation.

Yes?

Mr. DOLE. The leader may be about to say it, but will there be one additional vote this evening?

ORDER OF PROCEDURE

Mr. MITCHELL. Yes. I was about to say it is my understanding that Senator REID either has just offered or is about to offer an amendment which will be contested by the managers, and which will require a vote.

What I suggest is that we go ahead and complete action on that. I understand that will take approximately an hour for consideration—if I am wrong, I stand corrected—that we would have a vote on that, and then conclude our business for the day and return tomorrow, with the Senate back, resuming consideration of this bill in the hopes we can complete action on this bill during the day tomorrow, and then have the cloture vote on the energy bill.

Mr. REID. Mr. Leader, if you will yield?

Mr. MITCHELL. Yes.

Mr. REID. As to the time, I cannot give any assurance that is the case. There are a number of cosponsors of this amendment. They all have indicated they want to speak. I do not know how much time the managers will take in opposing the amendment. We will move through it as fast as we can, but I cannot make that commitment.

Mr. MITCHELL. I appreciate the remarks of my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE ACT OF 1992

The Senate continued with the consideration of the bill.

Mr. REID. Mr. President, for myself, Senator Daschle, Senator Conrad and Senator Bryan we offer this amendment, No. 2739, to the Interstate Transportation of Municipal Waste Act, because I think it is important that we have this discussion.

I commend the efforts of Senator BAUCUS, who has addressed this difficult issue, now, for several days here before the Senate. I know he has worked long, hard hours to reach a compromise generally on this waste issue.

This is a divisive issue that has grown in complexity over the years, and threatens relationships between States throughout this country.

I am, though, Mr. President, happy to see that Congress is coming to grips with this problem, in working forward a solution that will meet the needs of the many State interests that are involved.

This is one of those issues, as difficult as it is, that we must address.

This deals with garbage.

Senators BAUCUS and COATS have worked and have developed a bill which tries to give States more control over importation of what we refer to as municipal waste. While this legislation is a step in the right direction, it is my opinion that it simply does not go far enough. S. 2877 allows Governors to limit waste imports only—and I repeat, only—on the request of local governments or planning units.

But what States really need are Governors who can control waste imports to meet the needs of the State without limitations or without requests by

local governments.

I think we can examine and view in our own individual States what would happen if a Governor did not have control to determine an overall plan where garbage can come in. In fact, it would be whatever plans were developed would be thrown out of kilter by virtue of some small local government. It could be an entity of 10 people, 100 people, or 2,000 people that could throw the whole State out of balance.

Until now, there has been a clear imbalance of State responsibility versus State control of waste disposal practices. States are fully responsible for waste planning but do not have control over the waste disposal programs of local governments. This imbalance toward local authority to accept out-of-State waste creates a number of problems. It severely undermines State and regional planning efforts by encouraging local jurisdictions to act independently. This local siting of waste disposal facilities ignores multijurisdictional efforts, and certainly it ignores multijurisdictional effects such as transportation corridors for hauling waste and migration effects of waste into soil and groundwater.

Furthermore, Mr. President, it leads to exploitation of poor, rural, and economically depressed areas with disproportionately high displacement of waste facilities. In effect, what I am saying is some local government which is not fortunate enough to have natural resources or some other employment base must look for ways of creating employment, creating income in their jurisdiction by doing a number of things, including hauling garbage, allowing garbage to be hauled into their

areas.

This problem, Mr. President, is especially acute in the large Western States with many undeveloped rural areas where there is little opportunity for economic development but wide open spaces. Unlike many of the Eastern States where local communities actively seek to avoid waste placement facilities, in the Western States we have the opposite problem. Our undeveloped rural communities are too easily lured into accepting sites for imported waste disposal with too little regard for the long-term effects and the consequences for the rest of the State. Local governments take the economic gain of importing waste but leave the infrastructure costs of roads and environmental mitigation for State and neighboring communities to deal with.

Enough cannot be said about this, Mr. President. Local governments do not manage, control, or build the roads generally. This is a State transportation function. But yet what would happen if, in the center of a State, some local government decides they would accept unlimited amounts of solid waste of garbage? The infrastructure of that State is the one that is af-

fected.

Situations like this, I do not believe. Mr. President, should be acceptable. Recognizing these problems, several States have attempted to limit their waste imports only to have the courts strike down the limitations or fees, based on the interstate commerce clause. It is time for Congress to address this issue and allow the States to take control of their imported waste program or programs. To correct this imbalance of State responsibility versus State control over waste programs, the States must be given more authority to control solid waste imports. I believe this authority should rest with the Governor in each of the 50 States. who can act in the best interests of the whole State. The Governor should have authority and decisionmaking on waste management plans, including importation of waste, without being forced to wait for a request from a local government in order to say no to waste importation.

By giving, Mr. President, the Governor authority over waste import limits, States can then properly plan their waste programs, giving due consideration to all the factors involved, such as economics, liability concerns, management costs, transport corridors, and protection of human health and environment. This approach would provide a more balanced and well-planned waste management system than the one called for in the legislation that is now before the Senate, which restricts the Governor's authority to cases where local governments request limitations.

I ask all Senators and all staff members who may be watching this proceeding today to understand this simple amendment. Basically, what we are saying is that local governments should not determine what garbage is brought into a State, but yet the Governor of the State should have that. Every Senator who votes against this amendment is going to rue the day when their State is, in effect, ruined by some local government saying, "We will take whatever garbage you want to bring." In effect, that is what voting against this amendment would mean.

I respectfully suggest to my friends in local governments that, too often, they look for short-term economic gain without due regard to the long-term consequences of these waste imports, such as waste migration, incineration construction implication, and landfill

capacity issues.

Furthermore, a system of State control over waste imports would provide more incentive for States to better manage their own waste through reduction and recycling rather than simply transferring their waste problems

to neighboring States.

I also suggest that this amendment also has interstate implications because what is done in one State can affect another State. If, in effect, a State on the border of another State decided to take some type of garbage through water migration, through other ways of moving garbage, and moves it over the State line, the arbitrary borders we have established as State lines would not, in effect, stop a migration of these wastes.

How can we expect States to make the hard choices necessary in managing their own waste when they can so easily ship their garbage to another State sometimes for only \$5 per ton or less? The amendment that has been offered will not shut down all interstate waste shipments. The complex of interstate shipments will continue to operate, but the system can evolve into one based on the economic and environmental needs of each State according to their own unique situations. If it is worthwhile for a State to import or export garbage either for logistical, financial, or environmental reasons. they will continue to do so, but they will do so as partners in the system. They will no longer be forced into accepting out-of-State waste by their local community waste facility.

I believe the Governor of each State should have the authority to manage their waste plans in the manner most efficient, appropriate, and protective for their own citizens. This means allowing the Governor, the administrator, the chief executive of each State to control imports of out-of-State garbage as deemed necessary to meet their State planning goals. This is precisely what this amendment does. This amendment allows Governors to prohibit, limit, or impose differential fees on out-of-State waste according to the needs in each State, effective,

though, Mr. President-and this is important for everyone, again, listening to the debate on this amendment-effective as of 1995. In addition, it gives the Governor of any State with pre-1982 EPA-approved solid waste plans the authority to continue with those solid waste plans already in place. These two provisions are extremely important. This would not become effective until 1995 and, also, it gives the Governor of any State that has already gone through the EPA standards, that if it is a pre-1982 EPA-approved solid waste plan, it gives the Governor the authority, or those programs the authority, to continue with those solid waste plans already in place.

This provision, Mr. President, addresses the problem of counties which want to prohibit importation of waste from other counties within their own State. This is the authority that States want and this is the authority Congress should give these States. States overwhelmingly support more authority for

State control.

Keep in mind what we really are doing if this amendment is not adopted. We are saying we have a solid waste bill, but, in effect, we are doing absolutely nothing to help the overall management of waste in the States. The Governor is hamstrung. The Governor would have little authority. The only authority he would have is, if he is called upon by a local government, to stop waste from coming in. This is the authority that States want and this is what Congress should give them. States overwhelmingly support more authority for State control.

This amendment is supported both by the National Governors Association and by the National Conference of State Legislators from our States, all 50 States. The National Governors Association is composed of Governors from all over this Union. Their association approves this amendment, as does the Association of State Legislators, as stated, Mr. President, in a letter from the National Governors' Association,

dated July 17, of this year:

S. 2877 stops short of giving the States the tools needed to respond adequately to the interstate waste problem.

Mr. President, I ask unanimous consent that this letter dated July 20 directed to me by the National Conference of State Legislatures, signed by Senator Patrick Deluhery, from the Iowa State Legislature, and a letter dated July 17 from the National Governors' Association be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS' ASSOCIATION, Washington, DC, July 17, 1992.

Hon. HARRY REID, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR REID: We are writing to you about S. 2877, the interstate waste bill intro-

duced by Senators Max Baucus and Dan Coats. This bill addresses interstate transportation of municipal solid waste and its disposal in unwilling states and communities, one of the most pressing problems facing state environmental managers.

The nation's Governors have agreed that state self-sufficiency in the management of municipal solid waste is the best long-term solution to this problem. We also agree that differential fees and limited bans to protect and ensure optimal use of state capacity offer the best way to encourage states to take responsibility for their own waste, while avoiding short-term disruption of interstate waste markets. In our view, S. 2877 is an important step forward in empowering states and communities to deal with interstate waste, but stops short of giving states the tools needed to respond adequately to this problem.

We suggest the following improvements: Provide Governors Direct Authority to Protect Wider State Interests. We recognize the important and legitimate interests of local governments in the issue of waste importation. This bill, however, must also give Governors direct authority to represent the numerous state interest and responsibilities that lie beyond those of a single local government.

States are responsible for coordinating state-wide solid waste management plans including long-range disposal capacity planning and source reduction and recycling efforts. We also have a stake in the effect on transportation patterns, the disposal facilities on the state's economic, political, and ecological environment, potential near and long-term environmental liabilities of a facility, and the state's overall economic development philosophy and image.

The bill, as written, provides no direct authority, even to the four largest importing states, to protect state interests at facilities that did not receive waste in 1991 and at future facilities. States would not be able to protect in-state capacity needs or limit the development of capacity that far exceeds states needs and is used primarily for waste

Because there may be an economic incentive for a community to accept waste from outside the state rather than waste from a neighboring community, more communities may be hurt than helped by a system that does not encourage the coordination of capacity needs. These conflicts can be averted by allowing states to ban waste imports that would conflict with in-state capacity needs. In addition, states should be permitted to set limits on waste imports so that facilities handle primarily in-state waste. These limits could be expressed as a ratio of in-state to out-of-state waste handled at each facility, unless a waiver is granted.

Authorize states to impose a fee on waste imports that will compensate the importing state for the costs of state oversight of facilities as well as for long term liability costs. Unfairly, citizens of importing states end up subsidizing the costs of state programs to carry out these responsibilities for waste generated outside the state.

Authorize all states to freeze waste imports at 1991 or 1992 levels at facilities that received waste in 1991, upon the Governor's initiative. As written, the bill allows only four states currently importing more than one million tons per year of out-of-state waste to exercise such authority.

Delete the loss of authority section. This provision requires that all operating landfill cells in the state meet the 1993 federal design and location standards by 1997 or be on a closure schedule for the year 2000. If a facility fails to meet this test, the Governor of the state in which the facility is located loses all interstate waste authorities. This provision is illogical from an environmental standpoint because it requires that if one landfill cell in the state is not meeting design and location standards then the floodgates must open to out-of-state waste. This inappropriately places the burdeon on the importing rather than exporting states.

Unlike the bill, the federal landfill rule makes no reference to operating landfill cells. It sets standards for the landfill as a whole based on whether it is an existing or new facility. If the effect of this ambiguity is that the more stringent standards for new facilities will be applied to all operating landfill cells, even if they are part of an existing facility (one that was receiving waste in 1993), a Governor would be forced to decide between shutting down an environmentallysound facility that a community may depend upon or losing all interstate waste authority. The bill also does not recognize that states will be permitted flexibility under the rule for design standards if the state has an approved permit program

Allow either the affected local government or the local waste management planning unit, if one exists, to request a freeze or ban. The bill requires that both entities initiate the request.

State governments are implementing a wide variety of progressive solid waste programs. Interstate waste transport, along with market development for recycled materials, are areas where we need assistance from Congress. While we have raised serious reservations about this bill, S. 2877, with the above changes, would provide a predictable means of reducing waste flows, encourage waste reduction and recycling efforts in both importing and exporting states, and contribute to better capacity planning efforts.

Sincerely,

Gov. GEORGE A. SINNER, Chairman, Committee on Energy and Environment.

GOV. NORMAN H. BANGERTER,

Vice Chairman, Committee on Energy and Environment.

> NATIONAL CONFERENCE OF STATE LEGISLATURES, Washington, DC, July 20, 1992.

Hon. HARRY M. REID, U.S. Senate, Washington, DC.

DEAR SENATOR REID: The National Conference of State Legislatures (NCSL) supports the Senate's willingness to move ahead solely on the matter of solid waste transport. S. 2877, the Interstate Transportation of Municipal Waste Act of 1992, represents an encouraging starting point for resolving interstate solid waste transport questions that the U.S. Supreme Court has clearly determined can be resolved by Congress. NCSL believes, however, that a comprehensive reauthorization and expansion of the Resource Conservation and Recovery Act continues to be essential to the long term management of solid waste. We remain willing to work with the Senate in drafting such legislation once the interstate transport question is resolved.

S. 2877 offers state and local governments some of the tools necessary for controlling the movement of solid waste, and planning for its disposal. NCSL firmly believes that there is definite linkage between state solid waste management planning, its implementation, and disposal of imported waste. Be-

cause S. 2877 does not address state planning activities as has other omnibus RCRA legislation, NCSL suggests that S. 2877 be amended to include the following ideas:

 States, through their Governors, should be authorized to manage out-of-state waste (in Section 4011(a)(1)(A)) in addition to responding to local government requests to accomplish the same.

2. States should be authorized to impose up to a \$3 per ton fee to cover justifiable costs

of accepting out-of-state waste.

3. In lieu of the Governors' being unable to directly control out-of-state waste, NCSL urges that the one million ton threshold in Section 4011(a)(2)(d)(2) be lowered to give states broader flexibility to manage out-ofstate waste.

4. Section 4011(c) should be deleted in order to eliminate the possibility that a single landfill cell could coopt state authority to manage the disposal of out-of-state waste. It is inappropriate public policy for a federal determination of incompliance regarding one landfill cell in a state to jeopardize the ability of the Governor to manage the importation of out-of-state waste.

The addition of these amendments would strengthen S. 2877, ameliorate our concerns regarding the interstate issue, and solidify

our support for this legislation.

Sincerely,
Senator Patrick J. Deluhery,
Iowa State Legislature,
Chair, NCSL Environment Committee.

Mr. REID. These two letters from the National Association of State Legislatures and the Governors' Conference state their support for full authority to their Governors for managing State waste programs. This amendment submitted by me and Senators DASCHLE, CONRAD, and BRYAN gives the Governors the authority to regulate waste import as best suits his or her State. It does not grandfather facilities, set timetables for compliance with Federal standards, or treat States differently depending on how much waste they import. All it says is a State can manage out-of-State waste as it sees fit.

The Interstate Transportation of Municipal Waste Act of 1992 is a well-intentioned bill that simply does not go far enough in meeting State needs for authority over their own waste management. It only addresses the problems of a few Eastern States while doing nothing for the problems of most of this country. I urge Senators who care about giving States the real power over waste management that they need and want to vote for this amendment.

Mr. DASCHLE. Mr. President, the distinguished Senator from Nevada has laid out the case for the amendment very well. I applaud him for his leadership in offering the amendment and certainly for the way in which he has described the purpose of the amendment to all of our colleagues.

Let me also reiterate something he said early in his remarks. The managers of this bill have done a remarkable job in dealing with a contentious and extraordinarily controversial issue, and I applaud them for their leadership and their effort to bring us to this point in the debate.

the distinguished Senator from Nevada said so well, is really to provide a simple authority for States to manage outof-State waste as they have need. Nevada may be different than South Dakota. South Dakota may be different than North Dakota. Our States would be different than Montana or Indiana. And the differences clearly reflect the need for some leadership at the State level to consider all of the ramifications that the State is facing in discussing and ultimately making a determination about an issue of this consequence.

They could prohibit out-of-State waste imports. They could limit them or they could charge fees. They would have a range of options. But, indeed, they would have options, options that they are not given in the bill today as

it currently is proposed.

As the Senator said, the amendment does not grandfather facilities; it does not set timetables for compliance with Federal standards; it does not treat States differently. Depending on how much waste they import now or in the future. All it does is say States can manage out-of-State waste as they may require.

This is the authority States have indicated they need, as is indicated by both the letters from the legislators as well as the Governors' association. That is what Congress ought to give them as we consider an issue of this magnitude for all States affected.

The compromise version that has been worked out with diligence all afternoon is flawed for several reasons. First and foremost, it only addresses one aspect of the waste imports debate, namely situations where out-of-State waste is flooding local landfills. This is an issue to be sure, but it is not the only issue. And that is the reason those of us offering this amendment felt the need to come to the floor to attempt to improve it.

In States like the Dakotas, that is not the problem. In our States waste companies target small, poor towns or reservations and make them offers they believe they cannot refuse. These areas may have 1,000 people, 500 people, they may have 10 or 20 people. The economic rewards offered them may be extraordinarily handsome. But they are not the only ones that would be affected by a massive interstate waste

dump.

Neighboring towns would have serious concerns about direct or indirect environment effects. The transportation infrastructure may be seriously attacked by waste caravans.

Questions will necessarily arise regarding who would pay for the new costs. It will not be the host town; it will be the local county, and I can guarantee you it is going to be the State.

Questions will also arise concerning the State's responsibilities for prepar-

The purpose of our amendment, as ing and overseeing comprehensive waste management plans. And Governors ask how a State is supposed to plan for waste disposal, source reduction, and recycling when the next day a town can announce a multimillionton waste project, completely changing the entire waste management picture for the State.

Picture it. A State legislature works for perhaps years coming to grips with problems that they have in dealing with a comprehensive waste management plan. They pass a law. The next week or the next month a local community of maybe 10 or 20 people announces that it has a \$100-million contract with an out-of-State waste company that completely destroys whatever effort had been made to put the fragile compromise together affecting waste management throughout the whole State, not just that local community.

That is what we are up against in South Dakota and have been for several years. Frankly, that is what is happening more and more in many of

the Western States today.

The ability to manage interstate waste will help States comply with their environment needs. Almost every State in the Nation is currently struggling to meet EPA mandates on landfills. EPA has told communities to bring landfills into compliance or to shut them down. But as with so many Federal mandates, no resources have been provided to comply with the mandates.

Our amendment would provide the ability to charge fees on out-of-State waste and this could provide a revenue source to allow States to come into compliance with EPA regulations.

If we do not give the Governors the latitude to deal with waste the way they want, national objectives will also

be undermined.

First, what incentive is there for any metropolitan area to make the hard choices necessary regarding waste reduction and recycling when they can ship their garbage to another State for \$5 a ton.

Second, without broad State discretion, the States have no leverage whatsoever to negotiate a fair deal with waste haulers or with other cities if the State does decide to accept out-of-State waste. In fact, under S. 2877, unless the local community complains, the State does not even have a say in the matter today.

There will be those who claim that this amendment was generated solely by parochial concerns and that it will effectively block all interstate movement of waste. This is a fallacious claim for one central reason: If it is worthwhile for a State to take out-of-State garbage either for logistical or financial reasons, they will do it; but they will do it as partners, as equals. They will not have deals rammed down their throats.

These are the reasons why the National Governors' Association opposes S. 2877 in its current form and these are the reasons, as stated by the distinguished Senator from Nevada, that State after State throughout the entire West has come to us and indicated their very grave concern with the way the legislation is worded today.

There are those who will argue that a Governor can block a project through his or her use of the permit process. A proposed out-of-State landfill can simply be denied a permit. We are told that our amendment, for that reason. is unnecessary. But the reason we are debating this bill is the Supreme Court clearly pointed out that States cannot discriminate against out-of-State garbage. If a Governor simply keeps denying permits to landfills because they will contain out-of-State waste, such denials are not likely to stand up in court. Moreover, many landfills are already permitted and would simply be expanded by adding out-of-State waste.

If Governors had the power that the question implies, we would not be here

Mr. President, in closing, the interstate waste bill had very noble intentions when it was first proposed and when it was first passed in the Senate 2 years ago. It gave the States the discretion that they need. For a lot of reasons we have backpedaled a long way since then. Now we have a bill that the waste companies support and that only addresses the problems of a few States.

For most of the Nation this bill does nothing if it becomes law. It statutorily guarantees that many States could become waste dumps for the Nation and there will be nothing they can do about it. If Senators really care about giving the States the powers that they need and want, they will want to vote for this amendment. If they want business as usual to continue, they will want to vote against our amendment and for the bill in its current form.

I yield the floor.

Mr. CONRAD addressed the Chair. The PRESIDING OFFICER. The Senator from North Dakota is recognized. Mr. CONRAD. I thank the Chair.

Mr. President, first I want to salute my colleague, Senator REID of Nevada, for his leadership on this issue, and also my colleague from South Dakota, Senator DASCHLE, because this is an important amendment.

Mr. President, I hope that Senators who are listening in will pay attention to this debate. It is an important de-

bate.

What is it about? Mr. President, the trash is coming. That is what this amendment is about. The trash is coming. It is coming to your State, and the question is do you want your Governor to be able to stop it if it is not in your State's interest? That is what this amendment is about. Make no mistake about it.

For Senators who were listening to the earlier debate, you may believe after listening to that debate that the Governor could stop new contracts. That sounds good. That sounds like it makes sense. But do you know what? It is not true. The Governor could not stop new contracts unless he got the concurrence of the local community or local planning district that entered into the contract.

Think of it, Mr. President. Think of it, colleagues who are listening in. A little town hard-pressed economically, has the trash merchant come to call because now the big volume States have protected themselves in the legislation that is before us. And the trash merchants all of a sudden start looking around the country. Where are we going to dump this stuff? We can go to a little town someplace that is in economic trouble. We can go to that town and we can make a sweetheart deal, and we can enter into a contract and nobody can stop it.

Mr. SYMMS. Will the Senator yield

for a question?

Mr. CONRAD. I do not want to yield

at this point.

Mr. SYMMS. I would like to ask a

question

Mr. CONRAD. I would like to finish my statement, and then I would be

happy to yield.

Mr. President, in my State, we have 368 incorporated towns: 111, 30 percent. are under 100 people. Mr. President, 45 are under 50 people, 4 towns are under 10 people. It does not take any great imagination to figure out that the trash merchants after being limited by Indiana, they have been taken care of here; or Ohio, they have been taken care of here; or Pennsylvania, they have been taken care of here. The rest of us have not. The trash merchants identify some vulnerable small town and go and make a sweetheart deal, and all of a sudden the trucks start rolling, truck after truck of trash, truck after truck putting pressure on the highway system, truck after truck putting pressure on the taxpayers of your State.

"Mr. Senator, you did not stand up to allow your Governor to determine what was in the State's interest. You allowed a situation to develop in which a town of 10 people can make a decision that affects a whole State." I think not, Mr. President. I cannot believe that my colleagues would buy a legislative package that would allow a city of 10 people, a town of 10 people to make a decision that would impact surrounding communities, a whole region of a State, and not allow the Governor to interpose the State's interest.

Mr. President, I hope my colleagues and their staffs were listening, and understand what is at stake. The trash is coming. The trash is on the move. Those few States that have been protected here, fine. We understand their

need. But we also understand what comes next. We understand those that pedal the trash once they are limited in Ohio, Indiana, Pennsylvania, they are going to look west, they will look south, and they will be on the move.

They will pick out those little towns that are vulnerable. They are going to make them offers they cannot refuse. And under this legislation that is before us now, the Governor is not going to be able to stop it. And the trash will roll.

Any Senator that does not vote for the Reid amendment, the Daschle amendment, the Conrad amendment, that is before us, is putting themselves in the position of being asked when that happens, where were you? Where were you when there was a chance to give your Governor the opportunity to stand up for the State's interest? That is what this amendment is all about, Mr. President. I hope none of us lose sight of that.

I think there may be other misunderstandings in listening to the earlier debate, because if you listen to it it sounded as though your State can be protected if the importation of trash increases over previous years. That is true if you have a certain volume of trash. Just a few States are affected by that position. The vast majority of States are not. We become the targets of the trash merchants, and with no ability to stop it.

Mr. President, this amendment should pass. The National Governors Association has gone on clear record on this issue. They say, please allow the Governors to review this so we can determine what is in the State's interest, not just some small community's interest.

As I say, Mr. President, in my State there are four incorporated towns of under 10 people. So you could have 6 people decide they want to enter into a big contract with a trash merchant, that impacts the surrounding community, impacts a region of the State, and the Governor cannot do anything about it.

Mr. President, that cannot be the outcome here, today. That cannot be the outcome.

So I ask my colleagues, I plead with them, to give careful consideration to this amendment, because if we are not successful here today we know what is going to happen. Nothing could be more clear. The big volume States get protected, the trash merchants look for new targets of opportunity, and we know where they are coming. They are coming to my State, they are coming to your State.

Do you want your Governor to be able to stand up and represent the State's interest, or do you want any vulnerable small town to be able to enter into an agreement and override the State interest?

I think the answer is very clear. I urge my colleagues to support the Reid amendment.

Mr. SYMMS addressed the Chair.
The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, I appreciate the enthusiasm and the zeal with which my colleague from North Dakota speaks, and it is a great States rights argument.

But I want to go back to what this Senator said on the floor yesterday. Madison predicted this would happen. What the Senator from North Dakota is really saying, Mr. President, is that we are going to deny the town of 10 people who may own this property and may comply with every single law, Federal and State law, to comply with solid waste disposal. Through this amendment, we are going to deny them an economic opportunity that they

may see is good.

The Senator likes to talk about trash. Trash is a commodity that is transported, and it just happens that sometimes it is more efficient to go across a State line to dispose of it. I can tell you, I have already been called by my Governor's office today. He says he supports the Reid amendment. And mark my words, this is just the first step. What the Governor really wants is to be able to stop the transfer of other sensitive materials, namely nuclear materials.

Mr. President, I got into this debate yesterday because I felt it was important to discuss the configuration of the original 13 colonies and the document that was written to guide their future. James Madison and others had the wisdom and foresight to anticipate what the future might hold. That local and State politicians, if they are given this authority, might posture on this position because it will have great shortterm popular appeal. However, they could also foresee that no long-term statesmanship would be realized, in relation to what might be the most efficient actions for the country as a whole. And that is why they did not grant States authority in their commerce clause. They reserved for Federal authority, the commerce clause so this country could enjoy the free flow of goods and services between and among the States. I made the point yesterday on the floor.

How many Senators here think that there would not be some States who would like to pass laws to keep certain commodities out of their State? The only reason they do not is because of the commerce clause of the Constitu-

tion.

So I say that in this Senator's opinion, I think the amendment as offered by Senator COATS is highly risky. We have already established on the floor here yesterday that it is the intent of the authors of the amendment to not let it expand to any other products or

any other classifications of materials. But I am here to tell you that if you let this tiger out of the tank, so to speak, or this camel's nose under the tent, we will regret this action. This is not, as I hear tonite a discussion about States' rights. I almost have to laugh. A lot of the same Senators who talk about States' rights on this issue, and the Governors who talk about States' rights on this issue, and the Governors who talk about States' rights, have a totally different view when it comes to States' rights in the use and disposition of land within their borders. I would use as an example the management of Federal lands.

Mr. President, this is a very, very serious issue. We are literally inviting a wide range of legislation. If this bill passes, I predict there will be more bills and more bills and more bills that will pass the Congress in the future, and I think a real effort has been made to tone down this bill to where it may

be workable.

But if you pass the Reid amendment, which sounds good, and I know it is popular politics at home to give the Governors the authority, what you are doing is denying local people a potentially economic opportunity where they may have the most efficient, cleanest, and safest place, an ideal, natural place to permanently store municipal solid waste.

They may have that opportunity, and they may want to do that, and they can comply with every law and can demonstrate they will do no damage to the environment; but you light a political firestorm that cannot be stopped, so everybody who is running for office on a 30-second TV spot is going to claim they will stop it all at the bor-

ders.

That is great politics. They can stand at the border with the State police and stop the trucks, and maybe they will even get elected if they do that. But in terms of running an efficient country that believes in markets and freedom and lowest cost production and, yes, lowest cost of disposal, it just makes no sense to interfere with the free flow of commerce between the State lines.

That is why I again refer to my colleagues what it was that Madison had

to say. I will quote:

States which imported or exported products through other States have been forced to pay taxes or other forms of duty on other forms of transit, and such duties have weighed heavily on both manufacturing and consumers. All Americans, we may be assured that such a practice would be introduced by future contrivances.

Madison and others could see that the problem would arise. It is amazing in many ways that it has not happened sooner. Madison predicted some 200 years ago that we could reach this point.

Mr. President, he went on to say in his writing:

We may be assured that such a practice would be introduced by future contrivances, and both by that and a common knowledge of human affairs, that it would nourish unceasing animosities and not improbably terminate serious interruptions of public tranquility. Thus, Congress granted the power to regulate interstate commerce in order to ensure the free flow of goods and protect against economic warfare among the States.

Mr. President, I grew up in the produce business in the Pacific Northwest. Our biggest market in California. It is a great State with a high level of population, and they use a lot of Idaho potatoes. But the California produce industry throughout history has always tried to protect themselves from competition-from Washington, Idaho and other States-that grow these products. If it were not for the commerce clause, it would not be a great market for those farmers in the Pacific Northwest. If the farmers in California could get the political muscle to stop you at the border, for one reason or another, they would. They could say that the product is contaminated and may be infested with some kind of pest or

I would think that my colleagues who are familiar with how our friends in Japan use nontariff trade barriers can see how a situation like this can be set up between States. We are setting up a situation where State Governors will be able to interfere with the commerce in this country, and it is only the first step.

Mr. DASCHLE. If the Senator will yield, I can appreciate the point the Senator is making, and I respect him

for it.

I, first of all, would emphasize, and ask if he would not agree, that the Governors have all kinds of opportunities to intercede with regard to communities and areas within their States right now.

But my real question goes to a point the Senator made early in his remarks, and that is, why should a Governor have the right to intercede when a community of maybe even 10 people, as I think the Senator said, is entering into a contract with a large out-of-State waste facility? What would the Senator advise those of us supporting this amendment to tell a community which may be next door, a community whose entire economy may be based on

tourism or recreation?

Say they have a beautiful lake within 10 miles of this other community now in contract for a huge waste facility: what do you tell the other communities in the county which now are faced with a prospect of building new roads and maybe a rail spur in order to accommodate this small down; what do you do to those in the area, not directly affected, who have property values which will plummet as a result of a waste facility of this kind going in next door; what do you tell all of the communities which will be adversely affected, which will not have an opportunity to benefit directly from this contract entered into by a community of maybe 10 people?

Mr. SYMMS. Mr. President, here is what I would tell them. The Senator asked the right question. He poses a hypothetical question that is a very real question. I can give him a good illustration of this.

In my own State, the beautiful city of Coeur D'Alene, ID, we have the world's best—as reported by Travel magazine—destination resort on the lake, the Coeur D'Alene Resort. It is a beautiful, magnificent facility, with spectacular lake for recreation, with spectacular skiing nearby; and at a certain time of the year, the grass growers in that area that grow bluegrass seed need to, because of their agricultural practices, burn the fields. This smokes up the valley, and it is a disruption to the tourist industry. That is a classic example.

So it is a problem.

What I tell the Senator is that I question the advisability of giving the whips and guns of bigger, forceful government to the State. To intercede with a command and control economy is a mistake if local people in the community can work it out; concern for private property would be the cornerstone for that effort. We already have laws to make people comply to health standards, safety standards and environmental standards. If those people in that community cannot work that out, you are not necessarily going to make it any better by granting more authority to Governors so they can then popularize the issue or posture at the State line.

You are not going to make it any better than if you just let them try to work it out. That is what I would try to tell people. The best way to solve these problems is to let people in those areas work out those problems. The Senator from New Jersey comes from a State that I understand has a pretty high water table; is that not right? I see the Senator nodding in agreement. It may well be that it is much more difficult to store waste in New Jersey than it is in some other State that is nearby that may have a much lower water table

What we are doing here is setting up a situation where maybe the safest place, the cleanest place, the most efficient place, and the cheapest place for the community to dispose of waste is eliminated. Would they not be better served by less interference of more government? Let's allow these people to work these problems out in compliance with the standard that we have agreed to. But we are setting a stage where it becomes a political issue and so, instead of being decided on the lowest cost and the safest place to handle it, it is decided by posturing politicians at the State line. I am telling my colleagues, if you do it on this issue more will follow. I have already told you, and I warn my colleagues, my State Governor's office is calling me. They

are for the Reid amendment, but not for what it has in it this time. They want to stop any nuclear material from coming into my State. It is a popular political position to take, but let's look at some recent history.

It just so happens that the Federal Government has spent billions and billions of dollars in my State to develop one of the finest facilities in the United States of America; the best equipped; staffed by the best people who are well trained to handle sensitive nuclear materials; to either process the waste for reuse or to process it for storage in a permanent repository.

If you put this in the hands of the Governors. I can tell my colleagues what you are setting up. You are setting up a situation where, because of popular press and media and emotionalism, they are going to be saying "Stop the trucks; we do not want them

crossing the State line."

I think it would be a big mistake, a big mistake for this Senate to pass the Reid amendment here tonight on this short notice and short debate. Senator CHAFEE, Senator BAUCUS, Senator COATS, Senator LAUTENBERG, and others, have worked for a long time on bringing the amendment to where we are right now. And I personally believe that if you pass the bill that is before the Senate, it is highly risky. It sets a pattern to take us down a road that the Senate will regret. That is why we have a Senate, Mr. President, so that somebody can raise their hands and question these actions.

You are setting up a situation that is inviting local political posturing by Governors, because the small community in North Dakota may not have the population of say Fargo, and so there are more votes in Fargo. Some small community may have the best site in the world that does not hurt anything, and they may be denied the opportunity because of a politician who stands at the border and gets the votes

on the short-term issue.

For the short term, it may look great politically; for the long term it does

not make any sense at all.

That is why I say to my colleagues, the commerce clause was not put in the Constitution without a lot of thought. We are skating on very thin ice by considering the Coats-Baucus bill. But to go this one step further is only an invitation to completely disruptive commercial activities in a commodity called trash. It sets the stage for hazardous materials, for nuclear materials, and for heaven knows what else. If you can establish it on one commodity, if you can break the back of the commerce clause, then you can go on into other products.

So I urge my colleagues, at least temporarily, without a lot more thought than has gone into this and a lot more debate than has gone into this on the floor tonight, to not accept this amendment. I do not do that lightly, because I come from a State that only has I million people, and we have other States around that have a lot more people. But I am telling my colleagues this is a very, very serious matter.

I agree with my colleague from North Dakota that this is a very serious matter. But I would only hope that the Senate would listen to the advice of the managers of the bill on this and not accept this amendment.

The PRESIDING OFFICER. The Sen-

ator from Nevada [Mr. REID].

Mr. REID. Mr. President, I suggest to my friend from Idaho, a man who I serve with on the Committee on Environment and Public Works, that the fact of the matter is, with all due respect, he did not answer the question of the Senator from South Dakota. That is, what happens when you have a small community of a few people next to a large resort community, as an example, and they decide they want to have a waste facility there? The answer is obvious. It should not take place. There should be in the State an overall plan that the Governor has some control.

To talk about the commerce clause, of course, we have a commerce clause. We all know that. And the Supreme Court has taken that into consideration as it has ruled on a number of occasions. The last rulings came just a couple months ago in two cases involving the States of Minnesota and Alabama, and the fact of the matter is they have invited the Congress to take action; the Court has invited Congress to take action to set some reasonable standards, and that is in effect what we

are doing.

I came to this Senate floor—time goes fast, but not long ago—when my friend, the Senator from Indiana, who has worked on this legislation, offered an amendment to stop, in effect, importation of wastes into States. I supported my friend from Indiana on that amendment. I would suggest that he has worked hard on this legislation, as I indicated in my opening statement. I cannot understand how he could not support this amendment. It would give the Governor of the State the authority to control what comes into his State.

I also suggest, Mr. President, that my friend from Idaho talks abut property rights, and this may be a way for a small community to get ahead. We had hearings on this matter. The hearings occurred before the Subcommittee on Environmental Protection of the Committee of Environment and Public Works of this Congress. In effect, that subcommittee found waste facilities employ very few people and those they do employ are at very low-wage jobs. Few people benefit from this hauling of garbage. In effect, I think it goes without saving that those who benefit from hauling the garbage are the garbage companies.

Mr. LAUTENBERG. Mr. President, will the Senator yield for a question?

Mr. REID. I will yield in a minute very briefly to my friend from New Jersey.

Also, Mr. President, let us not confound or confuse this issue. It is easy, because peoples' ears perk up like antennas whenever the words "nuclear waste" are mentioned. Let us understand that this has nothing to do with nuclear waste. There is no contemplation of this Senator or any of those who offered the amendment that it would apply to nuclear waste now or at any time in the future. This applies to garbage. It does not apply to hazardous waste. It applies to garbage. That is what it applies to.

I suggest that the Supreme Court has said that the States cannot do what all the Governors and the State legislators want. And remember the Council of State Legislators, and their letter is in the RECORD, is composed of people from all over the State, people from rural communities, people from metropolitan communities. They acknowledge that the Governor should have some control over what is hauled into the

State in the way of garbage.

I am surprised at my friend from Idaho, who I have sat with and gotten to know very well and have great respect for. But here is a man that I have heard lecturing—and I use that in a positive sense—about the importance

of States rights.

And if there were ever an example of where in the 50 States there is an indi-

where in the 50 States there is an indication of a need for a State to have sovereignty, it is in this issue where States, other States, are indiscriminately hauling into another State garbage.

I will now be happy to yield to my

friend from New Jersey.
Mr. LAUTENBERG. I would just ask

the Senator a question, because he posed a situation before that suggests a question.

That is, he said: What should—I do not think he used the word fancy, but he used a resort community—what should it say to this little—he did not use this term—dinky town that wants to use some garbage?

Mr. REID. I used small community. Mr. LAUTENBERG. I used the words "dinky town." It is a little more de-

scriptive.

What I would ask is: Would this fancy resort town with all that high income say: "Listen; don't put that waste facility in there—that perfectly sound, environmentally protective waste facility—to gain some income. Do not do that. We are going to give you the money that would replace that."

Do you think that would be the response from the resort town?

Mr. REID. I would say to my friend from New Jersey, in referring to the hearings that were held on this, I repeat: Waste facilities employ very few people, and those they employ are at very low-wage jobs. Few people benefit

substantially.

And so I would submit that the State that has areas in it that are oriented toward tourism would and should be very concerned about areas around them that want to suddenly establish a garbage dump, because the Governor of the State has to be concerned about the whole State, not just part of the State.

And I would suggest that my original question is a valid one. That is, the Governor of the State must take into consideration what has taken place in that tourist-oriented area and not, I would think, allow garbage to be put on the entrance to the resort area.

Mr. LAUTENBERG. Will the Senator recall, for my benefit, his recollection of the hearings that we held in the Environment Committee, the outcome in front of the committee of the proposal that the Senator now makes on the

floor of the Senate?

Mr. REID. Yes. Mr. President, I offered this amendment before the Environment Committee, and it failed to pass. I indicated at that time that I would bring this to the floor because I felt, the way the committee was constructed, that the people on the committee did not recognize the significance and the importance of western United States, and I felt this matter being brought before the full Senate would give us an opportunity to present our case in a better fashion.

Mr. LAUTENBERG. I remember that it failed, Mr. President, and I appreciate the Senator's refreshing my memory. I wanted to be certain that the RECORD reflects that it failed in the

Environment Committee.

I thought it failed by an overwhelming voice vote, but that may be a subjective analysis. Failure is failure, nev-

ertheless.

Mr. REID. I would respond to my friend that that is why we have the opportunity on matters that are decided at committee level to bring them to the floor, because that is not an ultimate decision. And I think all 100 Senators should have the opportunity to decide whether they want the Governor to control this.

Mr. CONRAD. Will the Senator yield

for a question?

Mr. REID. Yes; I am happy to yield

to my friend from North Dakota.

Mr. CONRAD. I would ask my colleague if it does not strike him that our friend and colleague from the State of Idaho has stood principle on its head here. The Senator from Idaho says a small town. In my State, as I indicated earlier, I have 4 towns with less than 10 people-less than 10 people. And it seems to me the Senator from Idaho is arguing that the minority rules—the minority rules.

What happens if a very small town

the trash to come? Does the Senator from Idaho-

Mr. SYMMS. They have to comply with the laws of the land and handle the proposal in a proper way.

Mr. CONRAD. Mr. President, I have

the floor. I reclaim the floor.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. CONRAD. Mr. President, I am asking the Senator from Nevada if it does not stand principle on its head to suggest a small town, which may be close to a larger city-in my State, as I indicated, I have 4 cities of 10 people or less-that they would be in a position to dictate to the larger community, under the provisions of this bill. without the Reid amendment; is that not correct?

Mr. REID. I would respond to my friend from North Dakota that I have indicated I do not understand the logic of my friend from Idaho, who has lectured not only me-and, again, I use that in a positive sense-and the entire committee that I have served with him on or for 6 years, but the entire Senate about the importance of States rights.

And so I agree with my friend from North Dakota that I am logically without explanation to understand how that would apply to this legislation.

Mr. CONRAD. I thank the Senator from Nevada.

I would just say to the Senator from Nevada and the Senator from Idaho, I thought majority rule was the principle upon which this country was founded. And to have a situation in which a tiny minority can dictate the outcome to the larger community makes absolutely no sense to this Sen-

Mr. BAUCUS addressed the Chair. The PRESIDING OFFICER. The Sen-

ator from Montana.

Mr. BAUCUS. Mr. President, I very much appreciate and understand the concerns of the Senators from South Dakota and North Dakota and Nevada, and it is a real concern.

Essentially, larger States in the West-my State of Montana is certainly one-States with large geographic areas, where communities are spread far apart, are States which have terrific scenic beauty. The Rocky Mountain States certainly do.

We have many resort towns in our State of Montana—Flathead Lake, Whitefish Lake-I could name many. The same resorts and the same types of communities exist not only in the States of Nevada and South Dakota and North Dakota, but all across this Nation.

I understand the concerns of the Senator. I think we have to realize that we are here as 50 States trying to find a solution to a problem. What is the problem? The problem is the interstate shipment of municipal solid waste.

Some States in this country are shipclose to a larger city decides they want ping a lot of waste, into other States.

Those States tend to be populous States. They are Eastern States with a lot of people, not a lot of land. And it is difficult for those States to find the landfill capacity to accommodate their needs.

I must say, those States are doing an exemplary job. New Jersey, for example, recycles more waste than any other State. Now, one can question the definition of recycling because New Jersey includes scrap material along with other commercial recycling in that statistic of 50 percent today. New Jersey is probably leading the Nation in the amount of material it is recycling under a program instituted just a few years ago. Governor Florio of New Jersey is the main architect of the program, and he has done a tremendous

In addition, the State of New York, which now exports a lot of solid waste, is also going out of its way to control the disposition of the waste it gen-

erates.

Tom Jorling, the commissioner of environmental conservation in the State of New York, has publicly stated several times that it is the intent of and the policy of the State of New York, to be self-sufficient in managing its own solid waste in the next several years. They are trying to control the waste they generate, and they are going the extra mile.

Forty-three States in our Nation export solid waste to some other State and 42 States import waste from another State. That is a lot of waste shipments. And if one were to see a map of the United States with arrows indicating States that import solid waste and States that export solid waste, one would see a mass of arrows going in all

directions.

And it is because virtually every State in this Nation imports and/or ex-

ports solid waste.

Now, what is the effect of the amendment under consideration? The effect of the amendment could be to potentially slam the door on the transportation of solid waste in our country overnight. Immediately. Why? Because this is such a politically sensitive issue. It is the NIMBY, "not in my backyard" problem. People tend not to mind accepting their own waste. They tend, however, to mind accepting somebody else's waste.

I assume that the waste from one State has the same amount of contaminants as waste from another State. Waste is waste. It tends to be bottles, plastics, paper. It is just the stuff we all throw out in the garbage everyday.

Because it is so sensitive politically, Governors are going to be under tremendous pressure from various communities to stop that out-of-State waste. They will say stop that out-of-State waste. That is a very, very tempting provision. It is easy in the short term to just say "no out-of-State waste, period." has pattered

Let us examine that a little bit. What are the logical consequences of that? The logical consequences are that every State must deal with its own waste and not ship to any other State. Does that make any sense? Some cities are on borders of other States. There are lots of cities in our Nation. Let us take Washington, DC. We are adjacent to Virginia, to Maryland. There are countless examples where cities are next to State borders. and it just makes sense sometimes to ship that waste 10 miles even if it just so happens to be another State. Just because there is some artificial boundary there, why should that make a difference, so long as wherever the waste is disposed of it meets strong, solid environmental standards?

Let us not yet address what a State can do. Let us address what the Federal Government is providing with respect to solid waste. The Environmental Protection Agency has promulgated higher standards for all solid waste sites in the Nation, for present landfill disposal sites and for newly constructed sites. The standards for present landfills, do not go into effect, until 1993. But these are higher standards that will apply, that will apply to all landfill sites in the Nation. In addition, the EPA has promulgated rules that apply to newly constructed landfills.

Senators worry about potential newly constructed landfills. But the fact is newly constructed landfills, at least by 1993, must meet the new standards, which are very stringent. They include monitoring, odor controls, and liners. These are tough standards that the Federal Government is applying to future landfills.

The question of the Senator, why can't a State stop a community that wants to accept out-of-State waste? Frankly, it raises a very philosophical question. It is a public policy question. The question really is the degree to which local governments should make their own decisions on these matters.

Solid waste is much different than other environmental issues. This is not air pollution. Air pollutants travel around the country, across State lines, around the world. This is not water pollution where contaminants travel from upstream to downstream and affect people in lower areas. This is solid waste. This is an environmental matter which is much, much more local in nature than is air pollution or water pollution.

Mr. DASCHLE. Will the Senator yield just on that point?

Mr. BAUCUS. I will in a few minutes. That is why we have a Clean Air Act that sets national controls with respect to air pollution and why we have a Clean Water Act, which also sets national controls. But solid waste disposal is essentially a very local problem. The States and cities deal with

mentioned.

Now, States and Governors still have tremendous authority and control over landfill sites in their own States. States can set up any number of criteria that would apply to those landfills. For example, these could be any kind of disposal restriction. The State could prohibit recyclables from being disposed of in landfills in ones State. That would be a very salutary step a State could take. That would encourage more recyclables.

Or a State could impose siting restrictions. They could prohibit landfills within a certain number of miles of a lake, a stream, a national park, or a State park, or anything. So long as the State does not discriminate against out-of-State waste, a State has a number of ways in its control to protect its citizens, particularly those citizens in an area which, in some way or another, may or may not be affected by another local government decision because it wants to accept solid waste. Or a State could address the issue by assessing higher fees on its trucks, on the disposal trucks that may travel down the highways and pound the highways, if you will. Or it could raise its own environmental standards to such a high level, it would create higher tipping fees and very much reduce the incentive for any out-of-State waste to come

The basic points are this is a complicated problem which requires a somewhat complicated solution. Usually in life there is no silver bullet, no simple solution which immediately solves all of our problems. It is tempting to say just let Governors close the doors and that will solve the problem, but it will not solve the problem. This stuff is going to pile up somewhere. So many States export waste right now, where is the stuff going to pile up? It will go somewhere. If all Governors start saying no all the time, those 43 exporting States have to do something with it immediately. There is no phasein provision in this amendment. It is immediate.

Mr. DASCHLE. No. 1995.

Mr. BAUCUS. Excuse me, it is 1995 it goes into effect. That is still pretty tight, given all of the waste that is ex-

ported around the country.

The second basic point is that States have tremendous power, either through the Governors or the legislatures, to deal with the kinds of problems, legitimate problems that Senators have raised. And, I might add, so many of us here are critical of the "not in my backyard" syndrome. This amendment encourages the "not in my backyard" syndrome. I think we should try to find a solution where we Americans come together and we work with our waste problems together and not encourage going our separate ways.

For all these reasons, I very respectfully urge Senators to resist this temp-

solid waste, but for the provisions, I tation to give Governors all this control, this authority, because this bill we have crafted, while not solving all the problems that Senators see, still is, in my judgment, the best compromise that can be worked out for a very, very difficult problem.

The PRESIDING OFFICER. The Sen-

ator from Rhode Island.

Mr. CHAFEE. Mr. President, I note the authors of this amendment and the supporters of it were experienced politicians. I say that word in the most favorable light. These Senators have held office in their States and in this body for some years.

So they are practical people. They know what can be achieved and what cannot be achieved. The facts are, I say this to them, that in the United States of America today, as a result of the Supreme Court decision in 1976, no State can control the flow of interstate municipal waste. Those are the facts.

What we have done in this hill is to provide significant authority to Governors and municipalities to control that flow. If these Senators in favor of this amendment should prevail in the motion to table, I can guarantee that those major exporting States would filibuster this bill. We would have no bill whatsoever. So in their desire for perfection, they are going to end up with zero nothing. Those are the facts.

The majority leader has determined that we have spent enough time on this bill. We have spent 3 full days, and indeed he has given us part of tomorrow with the belief that we are on the way to passage of this legislation.

So if these Senators pressing this amendment, all of whom are experienced, all whom are savvy governmental operators and know how this body itself works, as well as how their own States, work, but they have spent time in this Senate, know that this bill will be killed and will end up with nothing. So that is their choice.

I strongly believe we ought to adopt the best we can because, as the Senator from Montana has pointed out, we spent 3 days on this, not debating amendments and tabling them, adopting others and accepting others, we spent 3 full days trying to get an agreement. Who has been involved with the agreement? The major exporting States. They cannot survive with this amendment as presented by the distinguished proponents of the amendment. So, therefore, they would filibuster it and we would have nothing.

So I hope they withdraw the amendment or that we can get on with a time agreement and vote very soon on the motion to table, because if they prevail, we are not going to have any leg-

islation whatsoever.

Mr. COATS addressed the Chair. The PRESIDING OFFICER. The Senator from Indiana [Mr. COATS] is recognized.

Mr. COATS. Mr. President, I rise with mixed feelings not only because of the subject of the amendment offered by the Senator from Nevada, but many of the arguments made by the Senator from Nevada and the Senators from North and South Dakota are arguments that this Senator made on this floor as he originally brought a bill to the floor, at least in the form of an amendment, giving the Governor sole authority to ban, limit or impose fees on the shipment of out-of-State waste.

That was 3 years ago. I have been there. I have been where the authors of the amendment now are. The garbage is still flowing. The argument just made by the Senator from Rhode Island is the pertinent argument, and that is do you want to do something about the flow of garbage interstate with a realistic chance of enacting protection into law, or reserve all authority for the State, and go back to what I originally tried to do. Unfortunately, that legislation has never been enacted. I wish it had more chance, more ability to be enacted into law, but it does not.

The process that we have now been working through for the last year, and particularly the last several months and the last 3 days, is one that is designed to become law and not just to accommodate the needs of those States that are currently receiving out-of-State waste, but to accommodate all

States.

I think it is important that the authors and the supporters of the amendment before us understand that when the Environment Committee reported its bill, the authorities under the interstate section were limited to those States receiving the most waste.

This Senator said it is not fair to solve Indiana's problems simply to create another problem in Kansas or North Dakota or Nevada or somewhere else. And as a result of that, with Senator BAUCUS' concurrence, we introduced the bill that we are now debat-

ing, S. 2877.

The Baucus-Coats bill provides that freeze authority, not just to the initial States that were the major recipients of out-of-State waste, but provides it to all States. We extended that authority that initially went to four States to all States, so that you would not be involved in this game of "Pass the Trash."

Mr. CONRAD. Will the Senator yield

on that point?

Mr. COATS. I will be happy to yield. Mr. CONRAD. Mr. President, I ask the Senator from Indiana, I was in the Chair during the time there was a coloquy between the Senator from Montana, the very able Senator from Montana, the Senator from Rhode Island, and the Senator from Pennsylvania. And the question was, could a Governor block a new contract? What was the effect of the limitation on contracts that ran over 7 years?

It became clear as I listened to that debate that the fact is that a Governor

can only block a new contract in a situation in which a local community concurs with the Governor. It also became clear that the real protection here is for the States that are the high importation States, your State.

With all due respect, it strikes this Senator that when the Senator from Montana says we have a 50-State problem, I agree. The problem is this is a six- or seven-State solution. Those who were negotiating took care of their States. New Jersey is taken care of, New York is taken care of, Indiana is taken care of, Ohio is taken care of, Virginia is taken care of, Pennsylvania is taken care of—the very Senators who were in on the negotiation.

Where are the rest of us? The rest of us are getting ready to have the trash come our way. And I say to my friend from Indiana, whom I have a great deal of respect for, and I know the Senator from Indiana has worked very hard on this issue, his State has a real problem. I do not want his problem to come to

my State.

This is not a frivolous amendment. This is an amendment that is advanced at the request of the National Governors Association, 50 State Governors who are interested in a 50-State solution, not a 6-State solution. And, in fact, are we not being asked to solve this for your States but to leave our

States vulnerable?

Mr. COATS. Mr. President, if I can reclaim my time and respond to the comments made by the Senator, this is not a bill designed to protect just a few States. The authority to ban or to freeze the shipments of out-of-State waste is granted to every community in the United States. We fought for that. We fought very hard for that because we believe the first line of defense to unwanted out-of-State waste rests with the people where the garbage is deposited.

The Senator from Nevada and the Senator from North Dakota argue that communities will want to receive outof-State waste, and unless they request the State to intercede, the State can

do nothing about it.

But the reality is just the opposite. The reality is that most communities do not want the refuse. They do not want the garbage. Ask the exporters how difficult it is to strike an agreement with a community. The first line of defense ought to go to the people who are receiving the out-of-State waste. They are the ones who have the right in every State, every community, they have the right to petition the Governor to say, no we do not want it.

That is a line of defense that I think is far more important than simply residing sole power in the Governor. With respect to the argument about the National Governors Association, when this Senator had a bill similar to Senator REID's on the floor, I could not get the support of the National Governors

Association because they were divided, and my understanding is that they are still divided. The National Governors Association has not taken a clearcut position on this issue because some States favor this position, some States favor our position, some Governors want some different variation. But I can guarantee this: The Governors of the States like yours and mine that are on the receiving end of out-of-State waste want a law enacted this year.

They want a provision that works. They do not want us to talk about it in the Senate. They do not want us to go through what the Senator from Indiana has gone through for 3 years—great rhetoric, no action, no legal authority to stop one pound of waste. This is legislation that is designed to do that.

I think the question comes down to who do you trust the most? The Senator talked about a State being left out in the cold. What about a community, when a Governor in economic straits cuts a deal with an exporter and says we are going to dump this stuff somewhere in North Dakota and that community has nothing to say about it. It is just the reverse of the situation that the Senator talked about.

I think that is just as likely a scenario as a community wanting it. Besides, if a community negotiates a deal to receive out-of-State waste, maybe it is in that community's best interest, and if they want the stuff—and in many cases there are inducements and benefits that run to the community for receipt of that—if they want that, then why not at least give the people who are on the receiving end the choice?

What I think the Senator ought to be concerned about is the significance where a Governor is either neutral on the issue or receptive to the issue of out-of-State waste for an economic benefit, and some poor community of 10 people or 100 people or 500 people has nothing to say about it. So we have extended that authority to every community in the Senator's State, and I think the people in those communities would like to have that authority.

Mr. CONRAD. Will the Senator yield

on that specific point?

Mr. COATS. I yield.
Mr. CONRAD. Is it not true that the only States where the Governor can freeze the amount of previous years is in those States that are receiving over a million tons a year? Is that not the case?

Mr. COATS. No, that is not true. Every Governor in every State has the authority to freeze. There is additional authority provided to Governors in States that receive more than a million pounds of trash a year. And that same authority would flow to the Senator's State if that happened.

Mr. CONRAD. But that is the point. The additional authority only resides in those States that are receiving over a million tons a year, and those States

are how many in number?

Mr. COATS. The additional authority is only needed in those States that receive over a million tons a year.

Mr. CONRAD. That is in the eyes of the beholder, I say to my friend from Indiana. If I represented a State that was in that category, I guess I would agree on that limitation. My State is not in that category. It believes its Governor ought to have that same right to limit that Governor of Indiana would have. What is good for the goose is good for the gander.

Mr. COATS. Mr. President, let me finish by saying I hope we can move to a vote. We have been debating this now 72-some hours. But obviously other Senators want to speak. I will finish up

quickly.

I am not unsympathetic to the arguments of the Senators from North Dakota or Nevada. Those are many of the very same arguments the Senator from

Indiana has in the past made.

What I am attempting to do is what I hope the majority, if not all of us, would like to do and that is do something about this problem. I guarantee you if the amendment of the Senator from Nevada is passed, we throw ourselves right back into stalemate, right back into filibuster. The legislation is dead for the year. The trash will continue to flow. No community will have the right to say, "no". No Governor will have any authority whatsoever. It will flow unimpeded as it has year after year after year. That is the practical result of all of this.

We have worked for 3 years, negotiated for more than a year, and intensely negotiated for the last 3 days on this floor to try to write a bill which can become law. If you want to stop the garbage, if you want to stop the out-of-State waste, we have one

chance to do it.

Senators addressed Several Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I thank the Chair. I am just going to take 30 seconds. We have been on this bill 3 days. I am kind of an innocent bystander. I have tried to understand the discussion.

Mr. President, I would like to ask the distinguished managers of the bill if it might not be possible-it is now 5 minutes of-to vote by 8 p.m. That is 21/2 minutes on a side. Is that a possibility, I would like to inquire of our distinguished managers?

Mr. CHAFEE. Certainly on this side

that is possible.

Mr. BAUCUS. Let me check.

Mr. LAUTENBERG. I would have a question that I address to the managers of the bill and to my friend from Arkansas, and that is if not 8, let us say by 10 past, or quarter after. We are talking about 10 minutes.

Mr. CHAFEE. Five minutes.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. LAUTENBERG. Has the Senator yielded the floor?

Mr. PRYOR. I yield the floor. I just posed that as a question.

Mr. BAUCUS addressed the Chair.

Mr. LAUTENBERG. Mr. President, I would like to be recognized.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, let me try to get a time agreement here. I think we can wrap this up fairly soon. I suggest 10 minutes, 5 minutes on a

Mr. LAUTENBERG. Reserving the right to object, if the Senator is willing to give me 5 minutes, I would agree to that.

Mr. BAUCUS. Four.

Mr. REID addressed the Chair.

Mr. LAUTENBERG. Let us extend it to 12.

Four minutes. Is that the proposal, that we speak for 10?

Mr. BAUCUS. Five on a side.

Mr. LAUTENBERG. The Senator from New Jersey gets 4 of the 10.

Mr. BAUCUS. And with the right to move to table.

Mr. REID. Reserving the right to ob-

Mr. BUMPERS addressed the Chair. The PRESIDING OFFICER. The Senator from Nevada reserves the right to object.

Mr. REID. I thank the Chair. I am wondering, in responding to the manager of the bill, I have been advised that my friend, the senior Senator from Arkansas would like 2 minutes; I would like 2 minutes; the Senator from South Dakota, 2 minutes. That is 6 minutes on this side.

Mr. BAUCUS. Mr. President, I suggest 6 minutes on a side-12 minutes, 6 minutes on a side.

Mr. LAUTENBERG. Reserving the right to object, Mr. President, is the Senator from New Jersey going to get 5 minutes now?

Mr. BAUCUS. Yes.

Mr. BUMPERS. I would like 3 minutes on the other side from the Senator from New Jersey

Mr. CHAFEE. The Senator is getting

Mr. LAUTENBERG. Talk to the managers.

Mr. BUMPERS. We are talking about a unanimous-consent agreement, Mr. President. Anybody has a right to object if they want. I do not want to object. I am just simply saying I would like to have 3 minutes.

Mr. BAUCUS. Mr. President, let me revise the agreement: A total of 15 minutes, 71/2 on a side, the managers fairly allocating it, with a stipulation, a motion to table at the end of 15 minutes is in order and no second-degree amendments are in order.

Mr. BUMPERS. Reserving the right to object, Mr. President, I would like

to ask the distinguished manager of this amendment, Senator REID, whether or not, if he agrees to that, he also agrees that I will have 3 minutes.

Mr. REID. It is my understanding the senior Senator from Arkansas wants to speak in favor of the amendment.

Mr. BUMPERS. Yes.

Mr. REID. I would give 3 minutes to the Senator from Arkansas.

Mr. LAUTENBERG. Just to clarify the agreement-I address the manager once again-is the Senator from New Jersey going to have an opportunity to speak? I have worked on this, for 3 solid days I have stood here and now to be paired off against someone who wants to jump in at the last minute, frankly, I might very well object to this time agreement.

Mr. BAUCUS. How many minutes would the Senator like to speak?

Mr. LAUTENBERG. I wanted 5 minntes

Mr. BAUCUS. The Senator will have 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Who is yields time?

Mr. REID. The Senator from Nevada will yield 3 minutes to the Senator from Arkansas out of the 71/2 minutes. The PRESIDING OFFICER. The Sen-

ator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, this is obviously one of the knottiest issues the Senate has had to deal with in a very long time. We all recognize benefits that we derive from what ultimately becomes waste. We all know that the waste has to be disposed of. But my point is this: no State ought to be burdened by the garbage of any other State.

If New York, which was a magnificent host to the Democratic Convention last week, we could not have been treated better, more cordially-and I do not use New York for a majority of reasons. But if New York is going to generate all of this waste as well as any other State, I can tell you I am standing here because I want the right to say that it is not going to come to Arkansas over our objections. It is just that simple.

And if this amendment passes-and I strongly hope it will-all the States who are generating excess garbage, more than they can possibly handle themselves, will start recycling, they will do all kinds of technology, or at least they will try, to institute technological changes to take care of their

But I come from a beautiful State. I want us to have the right to say no. I am not sure what the amendment that was agreed on last night said. The Senator from Nevada and the Senator from North Dakota say it takes good care of New York, New Jersey, Indiana, and Virginia. But I did not see Arkansas. When you talk about a million tons of waste, which is the threshold in that amendment, it does not include us. I want the right for the Governor of Ar-

kansas to say no.

If you have some small communitywe are nothing but small communities. Some of then have a very difficult time financially. If some industry from some other State comes in and says we will make you rich, just let us dump our garbage on you, the first thing you know, instead of a clean, pristine State in which you take tremendous pride, you have one gigantic garbage heap.

I want the right to say no. That is all

this amendment says.

So I intend to fully support the Senator from Montana, the sponsor of this bill. He has worked hard. I am a cosponsor of the bill, too. But I want to protect my State, and that is the reason I intend to vote for this. I do not want my State despoiled over our stringent objections. So I plead with my colleagues to support this amendment.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the distinguished Senator

from New Jersey.

Mr. LAUTENBERG. I thank the man-

ager.

Mr. President, I rise in strong opposition to this amendment which would allow States to simply ban interstate waste shipments. It fails to achieve the basic standard of giving States an opportunity to reduce solid waste exports.

Mr. President, this amendment was offered and overwhelmingly defeated in the Senate Environment Committee. The committee recognized that there needed to be a balance between the needs of exporting States to have adequate time to reduce garbage exports and the needs of importing States.

It also recognized that almost all States are both exporting and import-

ing States.

So we adopted a balanced approach which is reflected in S. 2877. It was supported in committee by Senators from both importing and exporting States. It has been cosponsored by a number of Senators including Senator COATS. And over the past few days, many Senators have come to the floor to praise the approach taken in S. 2877.

Mr. President, I cannot support any amendment which does not assure that my State has adequate time to make the transition to garbage self-sufficiency which it has committed to.

Solid waste is a national crisis requiring a national response.

But the solution to this crisis is not to allow States to balkanize themselves as this amendment would do. We are the United States of America and national problems deserve national solutions.

This amendment allows States to ban garbage imports. One thing we do know is that bans are not an environmentally responsible approach.

At an EPA hearing, EPA Administrator Reilly said, "we should not create any authorities that operate as a ban on interstate transport of either solid or hazardous waste, thereby inhibiting or restricting development and use of the most appropriate technology for waste treatment or recycling.'

The Administrator also said that interstate transport of waste did not present an environmental problem.

He also expressed concern that bans would lead to undesirable disposal of waste including illegal disposal.

So this amendment is not environmentally responsible. It is unfair to States which need time to reduce garbage exports. It is unfair to local communities which want to build environmentally safe landfills and reap the economic benefits from those landfills. And it fails to establish a national solution to a national problem. So I would urge my colleagues to vote for the motion to table this amendment.

Mr. President, I think we have heard this war of words escalate beyond the garbage war. I think we wind up talk-

ing to ourselves.

I just heard the distinguished Senator, my dear friend from Arkansas, railing against this bill which he sponsored initially. So that provided him with what he wanted at that time; that was to limit the amount of garbage that could be shipped to his and other States. It is very clearly stated.

So now we hear him saying that he is going to support the amendment that will likely bring down, if it wins, S. 2877 which at least is the beginning of some curtailment of the flow of garbage into the States that do not want

Mr. BUMPERS. Would the Senator yield?

Mr. LAUTENBERG. I only have 5 minutes. If the Senator would be courteous enough to let me finish, Mr. President, I will continue to hold the

There has been a lot of labor on this issue. We heard the arguments made by the distinguished Senator from Nevada [Mr. REID] in front of the Environment and Public Works Committee. There was almost a full attendance at that committee when we heard his amendment.

There was only one vote in favor of it, and that was the distinguished Senator from Nevada. Everybody else on the committee said no to the amendment. So here we are, and he is right. He said earlier we have every right to bring up amendments on the floor.

But this bill passed a seasoned group of legislators who have been hearing this discussion on many, many occasions and over a long period of time. It goes back a couple of years now. And the Environment and Public Works Committee said no to the Reid amendment because it is going to disrupt the relationship that is necessary to get a sensible, rational plan for dealing with our garbage.

When I hear the Senator from Arkansas describe his beautiful State. I agree with him. Does that mean my State is not beautiful? That my State which took garbage from everybody around it, particularly New York and Pennsylvania, for years giving away our capacity-shouldn't be treated fairly? We did not want to take garbage. The Supreme Court said we had to do it.

But now we are out of capacity. My State is running out faster than any other State in this country. The distinguished Senator from Montana said so. We are now recycling over 50 percent of

our solid waste.

I want to hear other States make that claim. By 1995 we will be up to over 60 percent of recycling our solid waste. We are working hard, we are working fast, we are going to serve as a model for this Nation.

I would also remind many of you here in the room, 43 States have some export relationship with their garbage. Today's importer becomes very quickly

tomorrow's exporter.

So I will wrap it up by saying this: There was a debate about whether or not this small town someplace on Earth could say no and control what the majority says. It is pretty clear in this bill. It says

Definition: The term "affected local government" means the elected official of each city, town, borough, parish, district or other public body created by or pursuant to State law

Pretty simple: Get the State to change the law establishing these little towns. Take the decisionmaking right away from them, and then you would solve the problem.

I ask unanimous consent, Mr. President, to enter into the RECORD a letter from the National Association of Coun-

The association says:

The second provision NACo supports would give local governments the authority to decide whether landfills and incinerators can accept out-of-state waste. Local governments are best positioned to assess the health, social economic and physical impact of waste disposal facilities on the immediate community.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF COUNTIES. Washington, DC, April 27, 1992. Hon. FRANK R. LAUTENBERG,

U.S. Senator, Hart Senate Office Building,

Washington, DC.

DEAR SENATOR LAUTENBERG: As the Senate Environment and Public Works Committee prepares to mark-up RCRA reauthorization legislation, I write to reiterate the support of the National Association of Counties (NACo) for two provisions in the redraft of S. 976. One involves recycling and the other concerns the interstate transport of solid

The first provision addresses the critical need to stimulate recycling markets by re-

quiring "responsible entities" to reuse or recycle a percentage of the products they place in commerce. This strategy responds to the dilemma counties are facing as a result of restricted markets for recycled goods. Counties throughout the nation have established recyclable collection programs. As supplies are increasing, the prices paid for recyclables are decreasing. Many communities are subsidizing costs of their recycling programs with tax dollars at a time when county revenues with which to pay for competing priorities are constrained. I believe that the pending proposal in S. 976, by assigning responsibility to specific large corporations, will assure a measurable reuse strategy and thereby create and maintain markets that will make county recycling efforts more effective.

The second provision NACo supports would give local governments the authority to decide whether landfills and incinerators can accept out-of-state waste. Local governments are best positioned to assess the health, social, economic and physical impact of waste disposal facilities on the immediate community. The bill recognizes that states also have a role which is to ensure that these facilities meet applicable state and federal

environment laws.

Thank you for considering NACo's policy on these issues which are of critical importance to my county.

Sincerely,

LARRY E. NAAKE, Executive Director.

Mr. LAUTENBERG. Mr. President, I want my colleagues to understand what the vote on this amendment means—there is going to be a tabling motion-if it is not defeated, we will not pass this bill. That is the end of the line. It is not a nothing or all. It is a something or nothing. That is what we are talking about. There is enough opposition to stop this bill. There has been enough hard work. There have been agreements hammered out that favor both the importing and exporting States. So I urge my colleagues to oppose this amendment.

Mr. REID. The Senator from Nevada, who has 41/2 minutes remaining, yields 2 minutes to the Senator from South

Dakota.

Mr. DASCHLE. Mr. President, we should not pass this bill. It is seriously flawed. That is the bottom line. If this is the best we can do, then I think we had better go back to the drawing board.

I want to make three very simple

points.

First of all, the opponents say that this is a local issue. They are right, it is a local issue. But it is also a county issue, it is a regional issue, it is a statewide issue. Frankly, I do not know of any project in a State which is more transportation intensive than garbage. If the Governor, if the State legislature, if somebody with statewide authority cannot have the authority to deal with the transportation issue then what are we doing to ourselves?

The second point. Without this amendment—everyone should understand this-a community of 10 people can override a county of 1,000 people, a region of 10,000 people, a State of 10 million people. I do not know of a piece of legislation we have ever passed that would give 10 people that kind of authority. That is the most incredible delegation of responsibility that I think I have ever voted on.

The third point. What do we elect our statewide elected leaders for if it is not for this, if it is not to make some tough decisions about how we deal with the complicated and controversial issues having to do with State waste and State transportation and State environment and State economic development? That is what this is all aboutto include our elected officials, not to eliminate them, from decisionmaking.

Mr. President, it is that simple. If you want to ensure rational decisionmaking, if you want to ensure that everybody gets included, if you understand that this is not just a local issue but it is a statewide issue as well, you will vote against the tabling motion and for this amendment.

PRESIDING OFFICER. Who The yields time?

Mr. BUMPERS. I ask the manager on this side if he would yield me 30 seconds.

Mr. REID. That is done.

Mr. BUMPERS. Mr. President, first of all, I was a cosponsor of this bill until it got all mucked up last night with that amendment which carefully took care of about 7 States to the exclusion of 43.

My point is this: If you look at who is really championing the defeat of this amendment, it is people who generate tremendous amounts of garbage, and they want to put it on the rest of us. And any Senator from a rural State, a small State, you had better be very careful about how you vote on this amendment because that is what this is all about.

The PRESIDING OFFICER, Who yields time?

Mr. BAUCUS. Mr. President, I yield 1 minute to the Senator from Indiana.

Mr. COATS. Mr. President, as I earlier said, I am sympathetic to the arguments of the proponents of the Reid amendment, that many of them are arguments that I originally made. For 3 years, I have been able to deliver some great rhetoric back home. I have been able to develop some wonderful sound bites but I have not been able to produce results. This legislation that we have so tirelessly worked on that was substantially improved with the Coats-Chafee-Metzenbaum-Specter effort here in the last 2 days is legislation that can be enacted.

If you want to stop the flow of garbage into your State, vote for something that works, for something that has an opportunity to become law. If you do not, and you want the status quo to continue, use all of the good rhetoric, and I guarantee you as someone who has worked for it for 3 years,

it is a nonstarter, and it is going nowhere.

Mr. DOLE. Mr. President, I would like to respond to a couple of points that have been raised with regard to this amendment.

First, this amendment defeats the purpose of this legislation giving the communities the right to choose whether they will receive out-of-State waste. There are ample protections built into this bill that take into account the realities of the waste flows in this country. The bill goes a long way toward providing the protection State and communities have demanded since the advent of long-haul flows of wastes began to be a problem.

Second, with regard to the argument that small, economically disadvantaged towns will come running to the opportunity for easy money from sweetheart deals from waste companies who want to prey on them for new sites. In Kansas, we have already addressed this situation. For purposes of what a community is and is defined as, in most cases the county will be the final decisionmaker. Thus, a small town will not unilaterally be able to make a deal that is bad for the area without the approval of the county commission, because the county, unless a city is designated, will be the local subdivision with jurisdiction.

I ask that the Kansas legislative action on this matter in 1992 be printed in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

KANSAS LEGISLATIVE ACTION-1992 ENERGY AND NATURAL RESOURCES Solid Waste Statutes-Amendments

H.B. 2801 requires counties or designated cities to submit a plan for the management of solid waste in each county. Two or more counties may adopt a regional plan. Plans are required only after a one-year period following the completion of a statewide plan. The Secretary of Health and Environment is directed to assist counties and regions in planning and management, with assistance given through grants. A solid waste management committee, not to exceed 30 members, is to be established in each planning area.

A Solid Waste Management Fund is created, with receipts coming primarily from a statewide fee of \$1.50 per ton of waste disposed imposed beginning on January 1, 1993. Authority is given, under certain conditions, to restrict solid waste generated outside the area from being disposed of in a plan area. Each county will impose, on July 1, 1993, a fee of \$25 per ton for solid waste generated outside the state and disposed of in the counwith the moneys to be used for closure and postclosure cleanup. Fees are permitted for solid waste generated outside the plan area and for solid waste generated within or outside the plan area which is deposited in privately owned disposal sites. Boards of county commissioners are given ultimate imposition authority over the fees, except for the statewide fee.

The Secretary is to conduct a background investigation of applicants for a permit who also may be subjected to a criminal background investigation. Authority is given to the Secretary of enjoin acts that pose a threat to public health and to apply to the

district court for relief.

Further, the bill: requires reclamation facilities to be permitted; clarifies that scrap material recycling facilities are not required to obtain a permit; gives the Department of Health and Environment authority over privately owned solid waste areas, transporters of solid waste, and nonhazardous special wastes; permits certain cooperative agreements regarding market development for recyclable materials; raises the annual permit renewal fee, establishes an original permit fee for solid waste processing or disposal areas; increases the violation penalty; exempts low rainfall and limited waste generation areas from design and groundwater monitoring requirements: requires local units of government to meet financial and insurance requirements and allows such units to use their ad valorem taxing power to meet financial tests for closure and postclosure; requires owners of disposal sites to be responsible for care of the site for 30 years after closure; and permits counties in a regional plan to withdraw from the plan.

The bill also establishes a nonrefundable income tax credit, under certain conditions, to be effective for tax years 1992 through 1995 with unused credits eligible to be carried forward for up to seven years. The aggregate of any credit is not to exceed \$100,000 for any

one taxpayer.

Mr. REID. Mr. President, I ask unanimous consent that Senator LEVIN and Senator RIEGLE be listed as cosponsors of this amendment and that Senator RIEGLE's statement be inserted in the RECORD, together with a Supreme Court decision of Sanitary Landfill, Inc. versus Michigan.

The PRESIDING OFFICER. Without

objection, it is so ordered.

Mr. RIEGLE. Mr. President, I rise today in support and as a cosponsor of the amendment offered by Senators REID, BRYAN, DASCHLE, and LEVIN to S. 2877. the Interstate Transportation of

Municipal Waste Act of 1992.

For more than a decade Michigan has had a solid waste plan that has combined long-term planning, careful waste disposal, and a goal of self-sufficiency. On June 1 of this year, the Supreme Court struck down a provision of Michigan law that prohibited disposal of waste generated in another county, including waste generated in another State, unless explicitly authorized in the receiving county's plan. The Court characterized it as a protectionist measure that cannot withstand the commerce clause in the U.S. Constitution.

This ruling has the effect of allowing landfill operators to accept solid waste regardless of whether State solid waste plans are in place. The decision undermines the ability of States like Michigan to continue to implement comprehensive waste plans and restrict the flow of waste from other States when it violates those plans. To allow these plans to continue to be effective, Congress must give these States the ability to regulate this type of interstate commerce. The bill in front of us does not take that step.

The amendment we are currently considering will authorize States with preexisting solid waste management plans to continue the practices that were in place prior to the June 1 ruling.

Michigan's State law requires each county to develop a solid waste management plan and to plan for self-sufficiency for waste disposal within 20 years. This law has been in place since

In Michigan, a county must work together with the municipalities to develop a solid waste management plan. The county then submits the plan to the Governor for approval. Once the plan is approved, it is incorporated into the State's overall solid waste plan. The plans are reviewed and updated every 5 years.

At the time of the Supreme Court ruling, all Michigan counties had a solid waste plan. All were approved by the Governor. And, the State had been proceeding toward the goal of self-sufficient solid waste management for

more than 14 years.

This amendment simply allows States with existing solid waste plans that were approved by the Administrator of the EPA before June 1, 1982, to continue their current State waste management plans.

This amendment would affect only a small number of States. As of November 1987 only 22 States had EPA-approved State waste management plans.

The EPA is currently compiling information about how many States have

had plans in effect since 1982.

Mr. President, I ask for unanimous consent that a letter from the Governor of Michigan opposing this legislation be included in the RECORD along with the Supreme Court ruling invalidating Michigan's 14-year-old waste management plan.

I urge adoption of the amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF MICHIGAN,
OFFICE OF THE GOVERNOR,
Lansing, MI, June 23, 1992.
Hon. DONALD W. RIEGLE, Jr.,

U.S. Senate, Dirksen Senate Office Building,

Washington, DC.

DEAR SENATOR RIEGLE: On June 1, 1992, the United States Supreme Court rendered its decision in the matter of Fort Gratiot Sanitary Landfill vs. Michigan Department of Natural Resources. This decision struck down the provisions of Michigan's Solid Waste Management Act which allowed Michigan to effectively control the flow of solid waste between counties, and the flow of solid waste into Michigan from other states.

For ten years, Michigan has had an effective statewide solid waste management planning program which incorporated local concerns through county planning efforts. This process has provided Michigan citizens with a means to ensure environmentally sound, cost effective, solid waste management.

I am requesting your assistance in restoring Michigan's ability to plan for its future solid waste management needs. I understand that the full Senate may be acting on legislation addressing the reauthorization of the Resource Conservation and Recovery Act (RCRA) this week. I cannot support any efforts that will remove from the states, authority which has iong been, and should remain, theirs.

Current Senate and House legislative language provides inadequate control over waste imports, and will not provide any state with a meaningful ability to conduct effective long-term capacity planning. With regard to the control of interstate solid waste, I have the following specific concerns:

Under S. 976, S. 2877 and H.R. 3865, the current proposals, bans may be imposed by the state only at the request of the local government. The Senate bills provide that no facility may receive out-of-state waste unless approval to do so is granted by the local community where the facility is located.

I believe a constructive partnership of state and local governments is required. New facilities and expanded existing facilities should be permitted to accept out-of-state waste only in the context of a state-approved solid waste management plan. This will ensure the protection of state capacity requirements.

I believe that federal legislation should be passed that allows those states that have taken responsibility for the disposal of their solid waste to control the import of solid waste. The legislation should also preclude or limit the export of solid waste by those states that do not have a mechanism in place to guarantee that solid waste landfills and/or incinerators can be sited within their own borders.

Authorization alone does not fully address this problem. I recommend that federal legislation go one step further. States, like Michigan, that currently have comprehensive solid waste management planning mechanisms in place, should be allowed to prohibit the importation of waste from states that have no planning process. States should not be allowed to shirk responsibility for solid waste by not allowing facilities to be developed in their states, thereby, forcing export of solid waste to other states.

Grandfathering virtually every planned or existing facility, and all existing contracts, is unacceptable for Michigan. Such grandfathering provisions penalize those states that have sited sufficient capacity to meet their needs, by allowing that capacity to be consumed by out-of-state waste.

I recognize that existing contracts may need to be honored. However, these contracts must be fully disclosed to the state. This would include, among other information, the duration of the contract and the estimated tonnage being accepted by the landfill. These existing contracts must not be allowed to interfere with a state's ability to plan for disposal of solid waste generated within the state.

These bills require comprehensive oversight of state solid waste plans by the U.S. EPA. Administrator Reilly has made it very clear that he does not want this authority, and for Michigan and other states that already have comprehensive solid waste planning programs in place, it would mean more red tape and a larger bureaucratic burden.

Michigan is among those states that have taken on the responsibility for the disposal of their solid waste. Our state is able to be responsible because local governments are required to develop solid waste management plans. Each county within the state must develop a plan which provides environmentally sound disposal capacity for all the solid

waste generated within its borders for a period of 20 years. Any facility that is proposed must meet all state and federal standards be-

fore it can be permitted.

States should be given the flexibility to manage their own borders and to manage solid waste intelligently, and with the sovereign best interests of their citizens in mind. I urge you to support legislation at the federal level which allows states this flexibility. I ask you, a member of Congress from Michigan, to oppose S. 976 and S. 2877 in their current forms as they relate to the control of the interstate transfer of solid waste, and explore legislation that would affirm, under federal statute, Michigan's current program.

The Waste Management Division is available to assist in preparation of alternative legislative proposals to address this important issue. I have asked Dennis Drake, Acting Chief of the DNR's Waste Management Division, to assist you with any questions you may have on Michigan's current program. Mr. Drake can be reached at (517) 373-

9523

Thank you in advance for your consideration in this important matter for the citizens of Michigan.

Sincerely,

JOHN ENGLER, Governor.

Mr. REID. The National Governors Conference sent a letter indicating

they support this amendment.

I also suggest, Mr. President, that this legislation should be defeated, as my friend from South Dakota said, if in fact this amendment does not pass. We hear too often on this floor that "If you do not do this, we are going to filibuster, and the bill will be pulled." We would probably have a lot better legislation if we put some of these people to the test to find out if in fact they would filibuster the legislation.

This is a good amendment. It gives the Governor, who must act in consultation with local governments, certain authority. He may not discriminate against any geographic area within the State. They may not discriminate on the basis of State or origin of

the waste.

I suggest to my friend from Indiana that if he looks at the testimony given by the Governor of the State of Indiana before this committee on August 6. 1990, where he said, among other things.

Trash is coming into Indiana by the truckload and by the trainload. Large 18-wheel tractor-trailers criss-cross Indiana bound for Hoosier landfills in which to dispose of their east coast trash.

This, Mr. President, should be

stopped.

My friend from Indiana, by voting for this bill and against this amendment, will not be fulfilling, in my estimation, the wishes of the people of the State of Indiana, which he is talking about on this floor. I also suggest to my friend from New Jersey that it is true this amendment was defeated in committee, but the fact of the matter is there was every indication that there were people who favored it and would support it when it got to the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAUCUS. Mr. President, I yield 1 minute to the Senator from Ohio.

Mr. METZENBAUM. Mr. President, this is a good amendment. This is a very good amendment. It is such a good amendment that I voted for it when it was in committee. But I am opposed to it tonight, because this amendment will not become law. This bill will be filibustered, and it will be withdrawn, and there will be no legislation at all. The fact is, at this moment, we have worked out a package that is not as good as I would like it to be, but it is a lot better than what the law is now. It affects contracts and noncontract kind of waste coming into a State, and it brings down the amount appropriately, and over a period to the year 2000 it would be cut down 90 percent. I say that, yes, the right vote is for

the amendment, but when you get all done, you will have won nothing; you will have lost the ball game. The ball game will be over because there will be no bill. So I believe we ought to put this on the table. I think we ought to recognize that there will be another day when we can come back to it; but if we accept it tonight, I think the bill is at an end, and we will have lost a

very good piece of legislation.

Mr. DURENBERGER. Mr. President, S. 2877 is a bill to authorize the States to regulate interstate commerce in municipal waste. This bill is before the Senate because the Supreme Court has decided that the States do not have the power to regulate the flow of waste across State borders. The Supreme Court finds in article I, section 8 of the Constitution, in the provision of the Constitution which is called the commerce clause, a prohibition on State laws that would limit the importation of out-of-State waste.

The first case of this type on municipal waste was called City of Philadelphia v. New Jersey (437 U.S. 617 (1978)). It was decided in 1978. New Jersey found that its landfills were filling up with Philadelphia garbage and passed a law prohibiting the disposal of out-of-State waste at New Jersey landfills. Applying its reasoning from cases going back to 1824, the U.S. Supreme Court determined that the New Jersey law was unconstitutional because it directly discriminated against out-of-State waste.

Justice Stewart writing for the Court in City of Philadelphia versus New Jersey described the constitutional considerations as follows:

Although the Constitution gives Congress the power to regulate commerce among the States, many subjects of potential federal regulation under that power escape congressional action because of their local character and their number and diversity. In the absence of federal legislation, these subjects are open to control by the States so long as they act within the restraints imposed by the Commerce Clause itself. The bounds of

these restraints appear nowhere in the Commerce Clause, but have emerged gradually in the decisions of this Court giving effect to that purpose. * * *

The opinions of the Court through the years have reflected an alertness to the evils of "economic isolation" and protection-

ism. *

The New Jersey law blocks the importation of waste in an obvious effort to saddle those outside the State with the entire burden of slowing the flow of refuse into New Jersey's remaining landfill sites. That legislative effort is clearly impermissible under the Commerce Clause of the Constitution.

As recently as June 1 of this year, the theory applied in City of Philadelphia versus New Jersey has been cited by the Court to strike down other State laws on waste management. On that day the Court overturned a Michigan law that allowed countries to refuse out-of-county waste at their landfills (Fort Gratiot Sanitary Landfill, Inc. v. Michigan Department of Natural Resources, U.S. Sp Crt No. 91-363 (June 1, 1992)). And on the same day the Court also announced its decision in an Alabama case finding unconstitutional an Alabama statute that imposed special fees on hazardous waste brought in from other States, fees that were considerably larger than the fees imposed on wastes generated within Alabama (Chemical Waste Management, Inc. v. Hunt, Governor of Alabama, U.S. Sp Crt No. 91-471 (June 1, 1992)).

These decisions have left little room for the States to regulate the movement of waste across State borders. And these decisions apply not only to State laws limiting imports, but to export bans, as well. For example, two counties in the State of Minnesota attempted to assure a flow of material to their newly constructed composting facility by passing an ordinance requiring that all waste generated in the delivered be counties to the composting facility. The counties were sued by an Iowa waste hauler who operates a landfill in Iowa and who wanted to dispose of the garbage he collected in his landfill, rather than deliver it to the county composting facility.

The Federal district court for Minnesota ruled in this case that the commerce clause bars regulations that have the effect of preventing waste exports, if the purpose of the export ban is principally to assure the financial viability of an in-State waste management facility (Waste System Corp. v. County of Martin and Faribault, No. 92-1642 MN). of County

While the Supreme Court has overturned State laws affecting interstate waste movements on constitutional grounds, the Court has also indicated that under the Constitution the Congress may grant State and local governments the authority to regulate in this area. The clearest statement of the congressional power to resurrect State regulations was made in the 1945 Case, Southern Pacific Co. v. Arizona (325 U.S. 761 (1945)), where Chief Justice Stone writing for the Court said:

Congress has the undoubted power to redefine the distribution of power over interstate commerce. It may either permit the states to regulate commerce in a manner which would otherwise not be permissible or exclude state regulation even in matters of peculiarly local concern which nevertheless affect interstate commerce.

To summarize then, the Supreme Court reads the commerce clause of the Constitution to preclude State laws that discriminate against commerce that has an interstate character, if the purpose of these laws is to protect the State's own economic interests. But the Court also reads the commerce clause to give the Congress power to authorize such discriminatory State laws should Congress choose to do so. This proposition is called the dormant commerce clause, the dormant party in this case being the Congress. If we are dormant, the Court will strike down protectionist State legislation.

We are here today to override the constitutional prohibition on discriminatory State laws as the Supreme Court says we may. We may empower the States to pass protectionist legislation that the Court would, absent congressional sanction, otherwise find un-

constitutional. We may.

But should we? I would ask my colleagues to step back from the particulars of the bill now pending and consider the larger questions. If the Constitution does indeed bar discriminatory State legislation, under what conditions should the Congress allow it anyway? If the Congress is to grant power to the States to create barriers to interstate commerce, how should the grant be made and how should this new State authority be exercised?

I am sure that the Members of the Senate have recognized the many unusual features of the bill now before us. It authorizes a Governor to take certain actions, but only if requested to do so by a local government. It grants four States the power to freeze the proportion of out-of-State waste disposed in those States, but denies that same power to others. It authorizes the regulation of municipal waste that will be disposed, but not municipal waste that will be recycled. It authorizes regulation of municipal waste, but not industrial or hazardous waste.

Why is this bill so contorted? Why not just give the States a flat grant of power to regulate the movement of

waste across their borders?

There are two ways to answer this question. Those who have spent any length of time in this Chamber will quickly note that all of these conditions and contortions are necessary to get this bill passed. It is a political answer. You don't agree to these limitations on State authority, you don't get a bill. That rather indelicate statement of the realities has been put to the Senator from Indiana by the distinguished manager of the bill several times already.

So, there is the political answer. But a more helpful approach might be a statement of general principles that should be applied by the Congress in these situations. The Court has over many decades developed its theory of the dormant commerce clause. What is our theory of the active commerce clause?

The commerce clause is not some automatic pilot enshrined in the Constitution with little relevance to our work. The Constitution does not bar State regulation of interstate commerce. Rather it grants to the Congress the power to superintend the commercial laws and regulations of the States so that truly national interests might be protected. How should we exercise the power?

S. 2877 is not just a bill on trash. It is a bill of a very particular sort. It overrides a Court-imposed prohibition on State laws that are protectionist, that discriminate against out-of-State commerce. The Congress has been called upon to consider such bills before and will be again. What have we learned about the general exercise of this power that may be useful in guiding our actions in this specific instance?

Mr. President, as I prepared for the debate on this bill. I searched for general principles that might be applied. I am here today to report on that effort. I must say that I am troubled by what I have found. You would think that in the vast literature on our Constitution and our federal system of government that these questions would have thoroughly answered. But that is not the case. There is a great deal written on the history of the dormant commerce clause as seen from the perspective of the Courts. But precious little thought has been given to the congressional decision to override, to the considerations that we should entertain when we give life to our dormant powers.

As one might expect, modern analysts, the people knowledgeable on constitutional law federalism that one can interview on the telephone today, take an almost entirely political view of my question. This political view is that Congress does not have any general principles in mind when it activates its commerce powers. It cannot have a reason, because it is a collection of 535 individuals with a wide range of motivations. That Congress has the power and that Congress chose to exercise the power is all that one can reliably report. No lessons applicable to the next case can be deduced from the last.

I am not satisfied with the political answer. So, I returned to the Constitution itself and to the expectations of those who wrote that magnificent

charter.

The Constitutional Convention was called to write the commerce clause. The biggest problem plaguing these States under the Articles of Confederation was their inability to join together in one national economy free from the impediments found at State borders as goods, and people moved across a new nation. Whatever else the Convention might do, it was surely expected to assist in the creation of a truly national economy.

Article I, section 8 of the Constitu-

tion says:

The Congress shall have the Power to regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes.

That's the commerce clause. The whole of it. It is a positive grant of authority to the Congress, not to the Courts, but to the Congress.

It says nothing about the power of the States. It doesn't say that the States may regulate interstate commerce or that they may not. And it doesn't say that they may regulate interstate commerce, only if they have the permission of the Congress.

That article I, section 8 does not mention the States and their role is a most important point. By way of comparison, consider the words of article I.

section 10 which says:

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws.

That's a case where the Constitution clearly denies a power to the States unless the Congress shall agree to its exercise. But the commerce clause does not read that way. It is just a grant of power to the Congress.

If one reviews the notes taken by participants in the debate at the convention or the Federalist papers that were subsequently written to encourage ratification by the States, one nowhere finds any of the authors of the Constitution saying that the States are denied the power to regulate interstate commerce by the Constitution. Rather it appears, and the record is not all that clear, there are only four direct references to the commerce clause in all of the Federalist papers, it appears that the Founders expected that both the Congress and the States would be involved in the regulation of commerce and that where conflicts arose they would be decided in favor of Federal law based on the supremacy clause of the Constitution.

It is undeniable that the Founders knew of the evils of protectionist State legislation and expected that the new government would be able to overcome those evils. Madison's views on the temptation to raise revenues on trade originating in other States from the Federalist No. 45 were quoted by the Senator from Idaho during the debate on this bill yesterday. But Madison did not say that the Constitution would bar all protectionist regulation of this type. Rather, he pointed with confidence to the power granted to the

Congress to oversee these State laws and to assert the interests of the Union whenever parochial enactments threaten to hinder a national economy.

Now, that's a far different view of the commerce clause than we have received from the Supreme Court in the waste cases and that has been described by many Members of this body during the debate on S. 2877.

The clearest statement of the Court's view of the commerce clause came in the 1945 case Southern Pacific versus Arizona, where Chief Justice Stone writing for the Court said:

For a hundred years it has been accepted constitutional doctrine that the commerce clause, without the aid of Congressional legislation, thus affords some protection from state legislation inimical to the national commerce, and that in such case, where Congress has not acted, this Court, and not the state legislature, is under the commerce clause the final arbiter of the competing demands of the state and national interests.

That is the Court's view. And it is, therefore, the law of the land. But it is certainly not the only possible reading of the commerce clause and likely not the reading that the authors of the Constitution intended. There is no restriction on State authority in the commerce clause. State powers aren't even mentioned in the commerce clause. The commerce clause does not say that States may only regulate interstate commerce, if they get the consent of the Congress. If the Founders had intended the commerce clause to operate in that way, they knew how to write the proposition clearly and completely. They made just such a conditional grant of authority in section 10 of article I of the Constitution as I quoted it a moment ago.

This review indicates to me that framers of the Constitution did not intend for the Federal courts to oversee State laws on interstate commerce. Rather it was left to the Congress to mediate among the States and to preempt State enactments which imposed too great a burden on interstate commerce. The power of the Congress to regulate commerce and the supremacy clause making Federal enactments paramount are a complete system in themselves. We do not require a dormant commerce clause to protect the national interest.

A Federal system, part national and part State, or commercial regulation that might have developed if States had been free to regulate interstate commerce, absent congressional intervention, would be very different from the system that has been imposed by the Supreme Court. The Court's system is decidedly anti-State and substitutes the judgments of the appointed Federal judiciary for the policies that might have been enacted by the elected legislatures, national, State, and local, of the people of this Nation.

Because the dormant commerce clause is a legal principle, the courts must strike down every State or local enactment that is protectionist. On the other hand, left to oversight by the Congress, only those State laws that truly offend the national interest would prompt a Federal veto. That is a very big difference in the operation of our federal system.

Take for instance the bill that is now before us. No one can quarrel with me when I describe this as a very narrow bill. The crabbed authority that it grants to the Governors will hardly make a difference in the waste policies of most States. This bill is a compilation of curiosities that make no sense, unless one has been immersed in the debate on interstate waste over the past several months. It is essentially a deal between two exporting States, four importing States and four waste management companies that has little relevance to the waste management problems of the rest of the Nation. It reflects the reality of current waste flows, that may be reversed in a few short months, as the experience of new Jersey so clearly indicates.

Why is a Governor only allowed to act, if requested to do so by a local offi-

cial?

Why is the Governor given authority under this Federal law to take actions that the legislature of his or her State may not have authorized?

Why does this bill not include authority to impose differential fees on out-of-State waste as the National Governors' Association has requested?

Why are so many landfills given special exemptions under this bill?

Why do States receiving more than 1 million tons of waste in 1991 get more authority than States that received less than 1 million tons?

Why does this bill do so much violence to the role of the States in our

federal system?

Because we are on the wrong foot, Mr. President. We are here to override a Supreme Court decision denying States a power that they were meant to have under the Constitution. We recognize the need to restore this authority to the States, but we cannot do the whole job in this bill. Legislation to make a flat grant of power to the States to regulate interstate waste transport would be blocked by Senators from the exporting States and by the friends of the big, national trash companies.

The States are in a most unfortunate position. As the distinguished manager of the bill has already said here on the floor, it's this bill or nothing. If we try to give the States any more authority, this bill will be talked to death.

We heard yesterday an impassioned defense of the commerce clause by the senior Senator from Idaho. He stated as well as anyone can the case for the national economic interest over State rights. His basic point was that our prosperity and the success of our na-

tional economy has in no small part been accomplished by setting aside the burdens of protectionist State legislation that had been experienced under the Articles of Confederation. That is true. He asked the Senate to defeat S. 2877 because it might set a precedent elevating the parochial above the national interest.

But the Senator from Idaho also opposes the comprehensive solid waste legislation, S. 976, that has been reported by the Environment and Public Works Committee. If I am not mistaken, he opposes that bill because it would create a Federal garbage man. It would give to EPA powers and responsibilities for the management of municipal waste that have traditionally been left to the states. He argues against Federal power when the subject is S. 976. He argues against State power

when the subject is S. 2877.

You can't have it both ways, Mr. President. In fact, I would say that the dormant commerce clause imposed by the Supreme Court on our federal system has been a major factor in pushing traditional State and local concerns like waste management up to the national level. When States have been frustrated in their efforts to solve real problems by the Court's reading of the commerce clause, the Congress has most often responded, not by granting the States the power, but rather by stepping in with Federal regulation directly.

If you want a federal garbage man, the surest way to get there is to be overzealous in your concern for the interests of the national trash companies and their contracts as against the pow-

ers of the States.

Mr. President, the Supreme Court has taken the position that it shall supervise State powers over commerce. Even the Court acknowledges that there is nothing in the Constitution explicitly authorizing that view and that the dormant commerce clause has only been discovered gradually over more than 100 years of case law. It is made acceptable only because the Court has invited the Congress to override its judgments and to authorize the State laws it has overturned. But it is not, "six in one, half a dozen in the other," here, Mr. President.

Suppose for a moment that we had been able to step forward with the right foot. Suppose that the commerce clause had been read by the Courts as it is written, allowing States the power to regulate interstate commerce unless preempted by the Congress. Assume also that Indiana and Pennsylvania and Ohio had passed laws barring the importation of municipal trash. Can any Member imagine the Senate passing a bill forcing Indiana and Ohio and Pennsylvania to open their borders to New Jersey and New York garbage? Does anyone believe that such a bill would even be introduced?

It is our responsibility under the Constitution to secure the benefits of a truly national economy. But it is also our responsibility to preserve the institutions and procedures of the States, our partners in a federal system of government. That we are forced to pass a bill like S. 2877 if we want the States to play any role in the regulation of interstate waste transport is a measure of the damage the Supreme Court has done to our Federal system by arrogating to itself powers that were intended to be exercised by the Congress.

It is interesting to note that our capacity to supervise States on the subject of waste disposal will receive another test later today when we address the energy bill. One of the major issues on that bill is whether we will have a national decision to dispose of radioactive wastes, notwithstanding the objections of the State of Nevada. I believe the energy bill will pass. It will reaffirm a national policy on the disposal of radioactive wastes. It is evidence that the national economic interest is not forfeit, if the exercise of the commerce clause is in the first instance left to the Congress rather than the courts.

Mr. President, I would make two additional observations in support of my rather unconventional view of the dormant commerce clause. The first is to note again that it took many decades of evolving doctrine before the Supreme Court finally found the dormant commerce clause so firmly cited today. The dormant commerce clause was not the Court's first impression of the proper allocation of responsibilities. The first case even suggesting exclusive Federal authority was not heard until 34 years after the Constitution had been ratified. And the principle that the Court could strike down State law, because the Congress had not legislated was not fully endorsed by the Court until after the Civil War.

One listening to the debate in the Senate over the past few days would think that the dormant commerce clause was the very bedrock of the Constitution. Far from it, Mr. President. It is a relatively late invention.

Second, I would cite our experience with preemption. One way to test a single timber in our governmental framework is to see how it fits with the parts it joins and the system as a whole. The congressional power most closely related to the power we exercise today, the power to authorize State regulation of interstate commerce, is our power to preempt State legislation. The combination of the commerce clause and the supremacy clause give the Congress the power to preempt State law.

As the so-called regulated community well knows, the Committee on Environment and Public Works almost never preempts State authority. In fact, each of the environmental laws we have enacted, including our na-

tional waste law, the Resource Conservation and Recovery Act, make every effort to form a partnership with the States that preserves the broadest possible scope for State action.

We deny the States the power to deregulate commerce by undercutting minimum Federal standards. But we explicitly preserve State authority to impose more stringent requirements. The States have never, in my experience, contradicted our expression of confidence by using this power to discriminate against interstate commerce for the purpose of protecting an in-State economic interest.

We do not preempt. And the actual experience of that policy contributes directly to my belief that the Federal system would work better if the Congress, not the Supreme Court, provided active oversight for the commercial regulations of the States.

Now, Mr. President, you might ask, "So what?" All of us can surely identify alternative readings of one constitutional provision or another. And we have heard many times about the pernicious effects of these wrongly decided cases. But, short of amendment, the Court's determination in constitutional cases is final and in an area firmly decided so long ago, it is unlikely that the views of any Senator, even views more compelling than I am able to offer today, would make much difference.

Well, there is relevance in these considerations, Mr. President. Because we have the power by mere legislative enactment to modify the application of the Constitution to otherwise unconstitutional State laws, the case I have made has relevance to the task now before us.

The question I first asked, Mr. President, is what general principles should a Senator apply when voting on a bill that authorizes States to discriminate against interstate commerce? I have come to the conclusion that we should in these cases, and absent evidence that States have or will abuse their powers for purely protectionist reasons, grant the States the most general and unconditional authorities. Such a grant of power would better reflect the language of the Constitution and the intention of its Framers. It would promote a Federal system of regulation more cooperative and effective than we have experienced under the dormant commerce clause asserted by the Federal courts. And it would lead to a more efficient distribution of regulatory responsibilities, a distribution that more closely reflects the diversity of this great Nation.

If the States subsequently abuse the power, then Congress has the authority under the commerce clause to rein them in.

The bill before us is not a general and unconditional grant of authority. Rather it is the narrowest possible bill

that can satisfy the complaints of the handful of States suffering the burdens of out-of-State trash. I have already described the political realities that have produced this narrow bill. Perhaps, S. 2877 will not be the ultimate judgment of the Congress on the proper scope for State action. In the future I shall urge the broadest grant of power to the States to regulate the flow of solid waste.

Mr. President, I realize that I have presented a somewhat unconventional view of the dormant commerce clause here today. Lest my colleagues think these views are uniquely held by this Senator, let me offer the following from the Duke Law Journal of September 1987:

The dormant commerce clause lacks a foundation or justification in either the Constitution's text or history, and, despite the efforts of respected constitutional scholars, the commerce clause cannot be satisfactorily rationalized outside the text of the Constitution. More importantly, the dormant commerce clause alters the delicate balance of federalism clearly manifested in the constitutional text. By vesting initial oversight power in the judiciary, rather than Congress, the dormant commerce clause shifts the political inertia against the states in the regulation of interstate commerce, and leaves federal oversight of state regulation in the hands of the governmental body traditionally thought to be least responsive to state concerns.

It is time to recognize that the dormant commerce clause is little more than a figment of the Supreme Court's imagination—hardly a legitimate basis, in a democratic society, upon which to premise judicial invalidations of state legislative action. (Martin Redish and Shane Nugent, "The Dormant Commerce Clause and the Constitutional Balance of Federalism, Duke Law Journal, Vol. 1987, Number 4, 617.)

Mr. President, let me turn now to one final aspect of the debate that has been heard on this bill. That is the political justification for State regulation of interstate waste. It is just possible that not every Senator will be persuaded by my constitutional analysis. I will focus, then, for a moment on the more particular issues that might guide a vote on this bill. What are the specific State concerns that justify discrimination against out-of-State waste? I can describe at least two such concerns.

First is the concern for capacity. Capacity to manage municipal waste is the issue most frequently mentioned by Senators on both sides of this debate. There is a capacity crisis in some States. Old landfills have filled up or been closed because of environmental violations. New landfills are hard to site. Waste is exported to distant landfills in the alternative.

The receiving States make this argument on capacity:

Capacity is a public good. We have worked hard to establish our capacity. It is a precious commodity. If our only reward for creating capacity is to be host to out-of-state waste, sent here by states that have not

made the tough choices necessary to create their own capacity, then why should we bother?

Long-distance shipment of municipal waste undercuts the effort to site new landfills and eventually exacerbates the capacity crisis. That New Jersey was forced by the Court to accept Philadelphia garbage in 1978 may be a contributing factor to the shortage of landfill capacity experienced in New Jersey today.

There must be some appeal in this argument, since it has been repeated so often here on the floor of the Senate. It is even recognized as legitimate by the exporting States who plead for only a little more time to get their own ca-

pacity in place.

But the argument is belied to some extent by the real legal situation with respect to trash. To the extent that the State of Indiana or Ohio or Pennsylvania sited and built public landfills to meet their capacity needs, the dormant commerce clause of the Constitution would not require them to open those landfills to out-of-State waste.

There is a so-called market participant exception to the dormant commerce clause. If a State or local government actually builds a landfill and offers space in that landfill in the marketplace, it can refuse to take waste from other States. Acting as a market participant rather than a regulator, a State is free to discriminate against out-of-state waste. The market participant exception has been applied in a waste case where a Federal court upheld the right of Rhode Island to exclude out-of-State wastes from its State-owned landfill (Lefrancois v. Rhode Island, 669 F. Supp. 1204 (D.R.I. 1987))

Since 80 percent of the landfills in this Nation are owned by governments, the market participant exception is a significant factor in this debate. To the extent that states act as landfills owners and operators to solve their capacity problems, they need have no fear of the dormant commerce clause.

This bill is about the 20 percent of the landfills that are owned and operated in the private sector. I don't believe that the proponents of the bill are urging it because they think it will create more capacity in the private sector. That is not their objective. I can't imagine the Senators from Indiana or Ohio or Pennsylvania welcoming with open arms a huge, new private landfill in any of their States, even if it would solve the capacity crisis that is being experienced along the East Coast. Capacity, per se, is not what they seek and cannot be a justification for this bill.

A second concern expressed by the States, and one that is more powerful I believe, is the need for long-term care and maintenance of waste disposal facilities. If the record is any guide, over the long run many of our municipal

landfills will fail and the public sector will be called on to clean them up. The Superfund program is a measure of the burden that is imposed by old waste management facilities. Fully one-quarter of the 1,226 sites on the Superfund National Priorities List are municipal landfills.

We have been somewhat successful in our efforts to get polluters to pay for the cleanup of Superfund sites. But the ultimate responsibility to clean up failed landfills falls on the taxpayer. If the polluter can't be found, has gone out of business or has a defense to liability, then it is the taxpayer who will bear the burden.

At a municipal landfill that takes no waste other than that generated in the local jurisdiction, our sense of equity is not troubled by assigning the ultimate responsibility to the taxpayer. Those who benefited from the facility while it was in operation are also the ones who stand to pay for cleanup if it fails.

But that is not true when the users of the facility are cities hundreds of miles distant that simply put their waste into interstate commerce and let the haulers decide where it might ultimately find a resting place. It is not surprising that the taxpayers in any locality, who understand the troubled record of so many municipal landfills, are unwilling to see waste brought from long distances into their community. Who will pay when the landfill leaks?

As with the capacity concern, there are factors here that mitigate against State authority to discriminate, as well. One is the Superfund program itself. It imposes strict liability on the generators of trash for any future cleanup costs that may be incurred at landfills where the trash is disposed. If a landfill leaks and must be cleaned up under Superfund, it is possible to reach the cities who merely sent their trash to the site to insist they pay a share of the cost, even if those cities are in another State.

But Senators will remember that only a few weeks ago, the Senate passed an amendment that will undercut the Superfund liability regime. It exempts cities that are merely generators from any liability through contribution suits to recover costs of cleanup at Superfund sites.

That amendment was sponsored by the junior Senator from New Jersey. Today, he defends the right of New Jersey cities to send their trash to out-of-State landfills hundreds of miles distant from his State. A few weeks ago he was the author of an amendment that would reduce the likelihood that his exporting cities might ultimately be held liable for future cleanup costs for the trash they have shipped. The municipal liability amendment that was adopted by the Senate in early June would, if enacted, substantially strengthen the case for state authority to erect barriers to out-of-State trash.

Mr. President, as I said much earlier in this talk, the Constitutional Convention was called to write the commerce clause. On a matter of such importance, they could not have got it wrong. If the founders had intended a dormant commerce clause enforced by the Supreme Court, they certainly would have drafted the Constitution that way. The Congress has the power to realize the federal system of commercial regulation that the Founders actually intended. It is my firm recommendation that we implement now our own theory of the active commerce clause and that we put more authority and more responsibility in the hands of the States. We can do so with every confidence that the prosperity of our people and comity among the States will be preserved.

Thank you, Mr. President.

Mr. GRASSLEY. Mr. President, I rise today to offer my support for S. 2877, the Interstate Transportation of Municipal Waste Act of 1992.

On June 1, 1992, the Supreme Court handed down opinions in two separate cases that invalidated state laws seeking to limit out-of-State waste. In Fort Gratiot Sanitary Landfill versus Michigan Natural Resources Department, the Supreme Court struck a Michigan statute that granted each of the State's counties authority to regulate out-of-State solid waste disposal differently from solid waste generated within the county. The court stated that Michigan did not identify any reason, apart from the place of origin, why solid waste coming from outside the county should be treated differently from solid waste generated within the county as the basis for their decision.

In the other case, Chemical Waste Management, Inc. versus Alabama, the Court struck down an Alabama statute that imposed a \$72 per ton surcharge on hazardous waste originating from out-of-State. They said that—

No State may attempt to isolate itself from a problem common to several States by raising barriers to the free flow of interstate commerce.

Congress needs to express itself in order that States may be able to deal with the intrusion of their borders with out-of-State garbage.

Under S. 2877, the Governor of a State is granted discretionary authority to ban or limit municipal solid waste generated outside the State from disposal in any landfill or incinerator subject to the jurisdiction of a local Government that requests it. The Governor may not discriminate against out-of-State municipal waste based on the state of origin and may not treat landfills within the State differently.

Mr. President, the United States produces approximately 180 million tons of solid waste every year. The generators of this garbage must be held accountable for the garbage. They have many options available to them. Recycling is

a very positive pro-environment approach. Another is the use of landfills to accommodate this waste.

While the solid waste problem continues to increase, we are having more landfill closures without corresponding formation of new landfill sites. We are

fast running out of room.

The Environmental Protection Agency estimates that 75 percent of the Nation's current landfills will be closed in the next 10 years. The problem is that in years past, landfills were created without much consideration for the environmental impact.

Because capacity is shrinking for landfill sites, States have been shipping their garbage into other States. In 1987, 10 million tons of garbage crossed

State lines.

With the closing of landfills across our Nation, this legislation is needed more than ever. In the future, States can not expect to be able to transport their waste half-way across the country to a landfill site in Iowa or Nebraska. These landfill sites will not be available to them. They are going to have to make accommodations to deal with their waste themselves. They are going to have to make these accommodations beginning now, not 10 years from now when the landfill sites will not be available to them. This legislation will force responsibility, it will force the producers of waste in our nation to be responsible for administering the proper disposal of that trash. Sending it from New York to Iowa is not dealing with it, it is avoidance of responsibility on the part of the waste producers.

This legislation will make it possible for communities across America to restrict the amount of out-of-State waste that comes into their towns. It will also force communities and States to deal with their own waste problems instead of pushing it off on others and transporting it across the country.

The environment is of great concern to many Americans. Iowans take a back seat to no one when it comes to concern about the environment. We are very closely tied to the soil and the environment of our State. We make a living through the proper management of this soil, this environment. We are greatly concerned that we do the right thing when it comes to the maintenance of the environment, and this extends to the way we handle the waste that we generate.

If Iowa can properly handle the maintenance of its waste, there is no reason why other States throughout the Unit-

ed States can not do the same.

If I can ask the indulgence of my colleagues, I would like to take this opportunity to discuss this issue as it relates specifically to the State of Iowa.

First let me point to a few communities in Iowa and discuss how they handle their solid waste:

The city of Dubuque and Dubuque County operate their own landfill that

has a capacity that should last another 20-plus years. They do not accept out of state trash and would like to continue this practice. The solid waste management supervisor for Dubuque, states that this legislation "sounds good. We would be in favor of the legislation."

Burlington is part of a regional solid waste commission which maintains a landfill with adequate capacity and also has an aggressive recycling program. They, too, support this legisla-

Fort Madison and Keokuk in southeast Iowa are part of the Lee County Solid Waste Commission. There are also two counties in Illinois that are part of this cooperative effort. They have a regional solid waste plan. The legislation that we are discussing today works well with this cooperative agreement. If States are willing to enter an agreement in a collaborative manner, this legislation will not restrict that agreement.

The city of Sioux City has a similar bi-State agreement with Jackson, NE.

The city of Council Bluffs takes their solid waste to the Douglas County Landfill in Nebraska, where they pay a fee. They are attempting to find an alternative in Iowa to handle their own garbage in their own area. Again, this is yet another example of a community in Iowa working effectively with an area in a border State to deal with their solid waste problem.

At the same time that Council Bluffs has dealt effectively with their own solid waste, they have been the unfortunate victims of garbage coming from the east coast. This trash has come into Council Bluffs on its way to Nebraska. While in Council Bluffs the trash boxcars have oozed liquid. This liquid was analyzed by the city sanitarian and was found to contain dangerous quantities of unsafe materials generally found in solvents and paint thinners.

Mr. President, this legislation is needed, and will hopefully be acted upon immediately by this body and be made into law. We must act immediately to effectively deal with the garbage our society creates. This legislation will move us closer to dealing with this problem. Our children's future depends on our actions today.

Mr. BAUCUS. Mr. President, I strongly urge Senators to support a tabling motion which I am about to offer. I would like to say to the Senator from Arkansas that the amendment adopted earlier did not "muck" up this bill. In fact, the amendment gave importing States even more authority than they previously had. That amendment was supported by importing States because it gave them more authority than they would have had without it.

Second, this is a 50-State solution to a 50-State problem. Every State, Governors, and communities, have more authority than they presently have.

Finally, the statement of the Senator from New Jersey is a statement we must take very seriously.

Frankly, New Jersey and New York had serious reservations about this bill. But they have gone the extra mile to help find a solution. Let us remember that States can do a lot to protect their own local communities. Because a half loaf is better than no loaf, I urge Members to support the tabling motion.

Mr. President, I now move to table the Reid amendment, and I ask for the yeas and navs.

The PRESIDING OFFICER. Is there a

sufficient second?

There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from North Dakota [Mr. BURDICK], the Senator from Tennessee [Mr. GORE], and the Senator from Colorado [Mr. Wirth] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD], the Senator from California [Mr. SEYMOUR], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

I further announce that the Senator from North Carolina [Mr. HELMS] and the Senator from Delaware [Mr. ROTH] are absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 31, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS-60 Adams Garn Mack Gorton McCain Akaka Raucus Graham McConnell Metzenbaum Biden Gramm Grassley Mikulski Bond Harkin Mitchell Boren Bradley Hatch Moynihan Hatfield Brown Murkowski Pell Burns Heflin Chafee Inouve Robb Coats Jeffords Rudman Cochran .Johnston Sarbanes Simon Cohen Kassebaum Craig Kennedy Simpson Cranston Smith Kerry Lautenberg D'Amato Symms Danforth Leahy Thurmond Lieberman Wallop Dixon Dodd Lott Warner Dole Lugar Wofford

NAYS-31 Ford Pryor Bingaman Breaux Fowler Reid Glenn Riegle Bryan Hollings Bumpers Rockefeller Byrd Kasten Sanford Conrad Kerrey Daschle Kohl Shelby DeConcini Levin Specter Domenici Nickles Wellstone Durenberger Nunn Pressler Exon NOT VOTING-9

| Bentsen | Helms | Seymour | | |
|---------|----------|---------|--|--|
| Burdick | Packwood | Stevens | | |
| Gore | Roth | Wirth | | |

So the motion to table the amendment (No. 2739) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. I think we are in a position to enter a time agreement on remaining amendments. In just one moment I will have that list of amendments. I think we can reach a time agreement on it.

Mr. President, I would say to other Senators regarding the last amendment, we had an agreement that balanced the various States, and that is why the Reid amendment was not successful, but I very much thank the Senator for his efforts to protect importing States.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAUCUS. Mr. President, I now have a list here of, I think, the only remaining amendments to this bill.

I would like to propound a unanimous-consent agreement with respect to the remaining amendments.

First, an amendment by Senator BINGAMAN concerning border solid waste study. That should be noncontroversial.

Second, an amendment by Senator RIEGLE, concerning States with preexisting management plans.

Third, an amendment by Senator SHELBY with respect to hazardous waste.

And fourth, Senator ROBB's amendment dealing with the District of Columbia dumping at Lorton landfill. That also could be noncontroversial.

In addition, a leadership amendment by Senator DOLE and as well a leadership amendment by the majority lead-

In addition, Mr. President, the managers' technical amendments also would be in order.

Mr. President, I am now advised informally that Senator RIEGLE will not be offering his amendment. I wonder if there is some way I can get confirmation?

I now understand Senator RIEGLE is not going to offer his amendment. Senator RIEGLE's amendment will not be part of this request.

I am wondering if we could also enter time agreements with respect to these remaining amendments?

Mr. CHAFEE. First of all, Mr. President, I suppose the first order of business, if I am correct, would be to agree that this is the total number of amendments that can be submitted tomorrow? Am I correct?

Mr. BAUCUS. Mr. President, I think it is wise to first attempt to enter a consent agreement with respect to the list of amendments only and at a later time attempt a time agreement with respect to those amendments. So I ask unanimous consent that the list of amendments which I have just read into the record be the only amend-

ments remaining in order to S. 2877, the interstate transportation of municipal waste bill; that they be first-degree amendments subject to relevant second-degree amendments; and that the leadership amendments be relevant to the subject matter of the bill; and that there be—I might ask my colleague from Rhode Island how much time would he suggest remaining on the bill? I would suggest, say, 4 hours remaining on the bill at most? I do not think it will take that.

Mr. CHAFEE. Does my colleague mean in addition to the amendments? Mr. BAUCUS. The time on the bill

will be 4 hours.

Strike that, Mr. President. That would be total. It would be just how much time my colleague and I think we would need remaining at the end. I could reduce that down to, say, a half hour.

Mr. CHAFEE. I would think so.

If I could suggest to the manager that he has proposed that there be first-degree amendments subject to relevant second-degree amendments, I believe.

Mr. BAUCUS. Correct.

Mr. CHAFEE. Could we also agree that where the time is indicated on the first-degree, then the second-degree amendment be accorded the same time limitation?

Mr. BAUCUS. Yes.

Mr. CHAFEE. And that all time for debate be equally divided, controlled in the usual form with no motion to commit in order; that upon disposition of the listed amendments, that the bill be advanced to third reading? Then that is where you would like some time?

Mr. BAUCUS. That is correct.

Mr. CHAFEE. I would think at that point half an hour equally divided, perhaps?

Mr. BAUCUS. Yes, That would be fine.

And, further, without intervening action or debate the Senate proceed to vote on final passage of the bill. That is after the half hour and after disposition of the listed amendments.

Mr. CHAFEE. That is fine.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Is there objection? Without objection, it is so ordered.

Mr. CHAFEE. Now, if I could suggest to the manager, I think he has narrowed these down, which I commend him for. As I see it you have managers' technical, Senator BINGAMAN, Senator SHELBY, Senator ROBB, and then each leader.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to add one amendment to the list, and that be the Inouye amendment.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. LAUTENBERG. Will the Senator yield for a question? Has there been a

unanimous-consent request propounded at this point?

Mr. CHAFEE. Not in connection—we have not limited the amendments yet.

Mr. BAUCUS. We did. Mr. CHAFEE. Did we? We

Mr. CHAFEE. Did we? We did not arrive at a time limit on the amendments.

Mr. LAUTENBERG. We did not arrive at a time limit. What, then, do we have? Simply those amendments that have been discussed are the only ones in order? That is all that this unanimous-consent request asks? I have no objection.

Mr. BAUCUS. That is correct.

Mr. CHAFEE. Could I ask, on Senator INOUYE's amendment, would somebody know whether—

Mr. BAUCUS. It is Indian reservations.

UNANIMOUS-CONSENT AGREEMENT VITIATED

Mr. BAUCUS. Mr. President, I ask unanimous consent that the unanimous-consent agreement for 30 minutes requested time on the bill be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, can we

get any time agreement on the amendments?

Mr. BAUCUS. We can try. I do not know if the Senators are here. We are willing to agree to time agreements. I do not see Senator SHELBY on the floor.

Mr. CHAFEE. How about the leadership amendments?

Mr. BAUCUS. If I might suggest to the Senator, I think since we have the list of amendments, and looking at the list I do not think very many of them are going to be controversial. For all intents and purposes, it is not that necessary to enter into a time agreement. We will wrap this up, I think, pretty quickly tomorrow.

Mr. CHAFEE. I hope we are successful. I will say to the manager, I do hope that those who have amendments, and here they are, they are very few, will come on over tomorrow early and let us dispose of them. Some can be accepted. It seems that two, the Bingaman and the Robb one, as I understand it, both probably can be accepted to make a little progress. Then the Shelby one and the Inouye one, I do not know how complicated the Inouye one is. Hopefully, we can finish this bill soon tomorrow.

Mr. BAUCUS. Mr. President, I very much agree with the Senator from Rhode Island. Frankly, after giving due notice to Senators to come and offer their amendments, if the Senator from Rhode Island and I are here after several hours' time and Senators are not coming over, and after continuing to give due notice, it will be the inclination of the manager of the bill to move to third reading.

I will many times tomorrow encourage Senators to come to the floor. I will state that ad nauseam, and I will ad nauseam say if we do not get

amendments within a reasonable period of time, let us say an hour, that I will move to third reading of the bill. So Senators who have amendments are on notice that they should come to the floor in a reasonable period of time, as in 15 minutes or something like that, or they run the risk of losing their opportunity to offer amendments.

Mr. President, I would like to amend the consent agreement, if I could to provide that debate on the bill still be permitted following the disposition of amendments, only if necessary.

The PRESIDING OFFICER. Without

objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein.
The PRESIDING OFFICER. Without

objection, it is so ordered.

NATIONAL BEVERAGE CONTAINER DEPOSIT HEARINGS

Mr. PACKWOOD. Mr. President, you have heard Senators HATFIELD and JEF-FORDS speak today about the need for hearings in the appropriate Senate committees on national beverage container deposit legislation. I was very pleased to hear that assurances have been made and that, finally, hearings will indeed occur.

In January 1978, I chaired 3 days of hearings on a bottle bill in the Commerce Committee. Fourteen and onehalf years have gone by, but the issue hasn't gone away. More States have adopted beverage container deposit legislation since then, and every Congress has had a bottle bill introduced since then, only to be put away, year, after year, after year.

Well, guess what, we're finding out that there is no away anymore. The issue just keeps coming back. And, there is no away anymore when we discard out empty bottles and cans.

Where is away-on our beaches, in our landfills, on our highways, on our children's playgrounds, in the farmer's fields? The trash train roaming around from the east coast through the midwest last week couldn't find "away." Maybe there just isn't any away. Maybe it is high time we adopted a national beverage container deposit program for reuse, recycling, and renewal of some of our resources instead of trying to find "away."

My thanks to Senators HATFIELD and JEFFORDS, who have worked so hard to raise the consciousness level of the Congress once again on this timely issue. I urge my colleagues to raise

theirs. I thank the Chair.

A ROLE FOR NATO IN CYPRUS

Mr. PELL. Mr. President, I would like to draw my colleagues' attention

to a recent piece in the Christian Science Monitor by David J. Scheffer entitled "NATO's First Peacekeeping Mission." Mr. Scheffer argues that Cyprus may be ripe for a NATO/CSCE mission, particularly if the U.N. peacekeeping forces currently manning the green line are withdrawn due to lack of funds. I believe that most would agree with Mr. Scheffer's contention that "Cyprus could become the next Bosnia if it were to lose the international military presence that defuses tensions every day."

As a long-time supporter of the United Nations, my first preference is for a continued United Nations involvement in Cyprus. However, the reality is that just as the United Nations is coming into its own politically, it is strapped financially. Accordingly, regional organizations—such as NATO and CSCE will have to accept greater responsibility for keeping the peace in their area trouble spots. In this context, Mr. Scheffer offers an interesting perspective on potential NATO involvement in Cyprus, and possibly in other conflicts in the region.

I ask unanimous consent that the text of Mr. Scheffer's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, July 6, 1992]

NATO'S FIRST PEACEKEEPING MISSION (By David J. Scheffer)

NATO's new but untried mission to keep the peace in a turbulent Eastern Europe could meet its first real test, not in Bosnia-Herzegovina, but in the oldest conflict of them all: Cyprus. For better or worse, the United Nations will probably continue to lead on any peacekeeping operation or humanitarian intervention in Bosnia, NATO members are participating, but not under NATO's banner. U.N. talks on Cyprus are in their most pre-

carious stage in New York, guided by a set of now-or-never ideas advanced by U.N. Secretary-General Boutros Boutros-Ghali and recently endorsed by the Security Council. The aim is to unify the country into a federation of Greek Cypriot and Turkish Cypriot "communities" and manage the removal of all but a small contingent of the 40,000strong Turkish Army.

The Cypriot standoff has faded from our memory, but it offers a laboratory for the new Europe, the Conference on Security and Cooperation in Europe (CSCE), the new NATO, and the new world order. The Greek, Turkish, and Cypriot governments remain locked in a seemingly intractable ethnic dispute. But Cyprus can still be saved and provide a model for the future-before Europe's bloody civil wars offer a precedent for Cyprus.

Any real settlement of Cyprus requires a strong peacekeeping presence during the transition. U.N. peacekeeping soldiers (UNFICYP) have been deployed in Cyprus since 1964 to defuse ethnic tensions. Numbering over 2,000, peacekeepers patrol a "green line" dividing majority Greek Cypriots from Turkish Cypriots, tens of thousands of illegal settlers from Turkey, and the Turkish Army that has occupied northern Cyprus since its invasion 18 years ago.

Mr. Ghali warned that UNFICYP's days may be numbered due to new U.N. peacekeeping missions and the financial burden of debt-ridden UNFICYP. Some fear the force's presence as a buffer between the two sides has encouraged procrastination.

Speculating about UNFICYP's future may be a negotiating tactic, but its implications are grave. Cyprus could become the next Bosnia if it were to lose the international military presence that defuses tensions every day. The world witnessed the consequences of such a withdrawal in 1967 when the UN peacekeeping force was pulled out of the Sinai only to be followed by the Six Day War. It is no coincidence that Greek Cypriot officials recently shopped for cheap arms in Moscow.

If UNFICYP funds aren't raised and the Security Council decides to withdraw it from Cyprus, the United States and NATO allies must be ready to step in with a NATO peacekeeping force to man the green line and help work a transition.

With CSCE, NATO needs double peacekeeping missions where fighting has stopped before it gets overly committed to combat that generates high casualties and whose outcome is uncertain.

A Cyprus mission for NATO-first proposed three decades ago-would give the alliance new experience at fulfilling the many sensitive security and administrative tasks that lie ahead, not only in Cyprus but elsewhere

in a turbulent Europe.

The job is daunting. NATO must guarantee the security of Greek and Turkish Cypriots as well as Turkish settlers. Peacekeepers must help with civil administrative duties. including resettlement of Greek Cypriot refugees, resolution of disputes, and repatriation to Turkey of an agreed number of Turkish settlers.

Greece and Turkey are NATO and CSCE members with special responsibilities to cooperate, now more than ever. The time is gone when unilateral interventions can stand indefinitely. Such exercise of power is old world flotsam. The new world demands more of law-abiding nations.

A NATO force in Cyprus could be financed in part by reallocating some of the cold-war US military assistance programs for Greece and Turkey. US soldiers should be part of the NATO Cyprus forces. The US plays an influential role in the Cyprus problem and a US military presence should help ameliorate Turkish concerns about the safety of minorities on the island.

Cyprus is old, unfinished business. But it may offer NATO, working with CSCE, an opportunity to resolve a lingering conflict while learning how to handle new ones.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 3009 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

APPOINTMENTS BY THE MAJORITY LEADER

PRESIDING OFFICER. Chair, on behalf of the majority leader of the Senate and the Speaker of the House, pursuant to Public Law 102-166, appoints the following individuals as

members of the Glass Ceiling Commission:

Marion O. Sandler, of California;

Maria Contreras Sweet, of California; and

Earl G. Graves, Sr., of New York.

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 102-166, appoints Joanne D'Arcangelo, of Maine, as a member of the Glass Ceiling Commission.

APPOINTMENT BY THE MAJORITY LEADER AND THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader and the Republican leader, pursuant to Public Law 102-166, appoints the Senator from Maryland [Ms. MIKULSKI] as a member of the Glass Ceiling Commission:

MARY McLEOD BETHUNE MEMORIAL FINE ARTS CENTER

Mr. FORD. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 3007, authorizing financial assistance for the construction of the Mary McLeod Bethune Memorial Fine Arts Center introduced earlier today by Senators Graham and Mack; that the bill be read a third time and passed; and that the motion to reconsider be laid upon the table; that any statements appear at the appropriate place in the RECORD.

There being no objection, the bill (S. 3007 was considered, ordered to a third reading, read the third time, and passed, as follows:

8 30

S. 3007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARY MCLEOD BETHUNE MEMORIAL FINE ARTS CENTER.

In recognition of the remarkable career of Mary McLeod Bethune, founder and president of Bethune-Cookman College, founder and first president of the National Council of Negro Women, and confident and advisor to Presidents of the United States, and in order to enhance the ability of Bethune-Cookman College to carry on the unique quality of service to the community and to the Nation that characterizes the life of Mary McLeod Bethune, the Secretary of Education shall, in accordance with the provisions of this section, provide financial assistance to the Bethune-Cookman College in Volusia County, Florida, to enable the Bethune-Cookman College to establish the Mary McLeod Bethune Memorial Fine Arts Center.

SEC. 2. APPLICATION.

No financial assistance may be made under this Act except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may reasonably require. SEC. 3. USE OF FUNDS.

The financial assistance made available pursuant to this Act shall be used for the construction, maintenance, and endowment of the Mary McLeod Bethune Memorial Fine Arts Center; the acquisition of necessary equipment; and the acquisition of necessary real property for the establishment of the Center.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums, not to exceed \$15,700,000, as may be necessary to carry out the provisions of this Act. Funds appropriated pursuant to this Act shall remain available until expended.

BILL READ FOR FIRST TIME— S.

Mr. FORD. Mr. President, on behalf of Senators Adams, Kennedy, and others, I send a bill authorizing the Older Americans Act to the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3008) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995, and so forth, and for other purposes.

Mr. ADAMS. Mr. President, I rise today to introduce the Older Americans Act Amendments of 1992 in the hope that we can promptly complete action on this legislation. The provisions in this bill are not new. The contents of this legislation reflect agreement between the Senate and House on a wide variety of improvements to the Older Americans Act [OAA] and related provisions. These provisions have already been approved by the House and most of the provisions were passed by the Senate last November.

Since late in the first session, however, the OAA reauthorization has been gridlocked. Completing action on reauthorizing the OAA has been stymied by a controversial provision—the repeal or liberalization of the retirement earnings test. It is time to end the gridlock and release the Older Americans Act.

I believe that we must liberalize the earnings test. I share the view of most of our colleagues that changes in the earnings test should be properly paid for. But that should not be done through the Older Americans Act. This is a Social Security matter that is within the purview of the Finance Committee, not the Labor and Human Resources Committee.

I am pleased that Senator Bentsen and the other members of the Finance Committee reported out legislation to dramatically liberalize the earnings test over the next several years. Chairman Bentsen should be commended for his leadership in finding a way to pay for these important changes. The earnings test has now been addressed by the appropriate committee with jurisdiction over it, and we should act promptly to complete work on Senator Bentsen's legislation.

We must not, however, continue to delay reauthorizing the Older Ameri-

cans Act while we strive to find a way to pay for changes in the earnings test. To put it bluntly, the OAA is being held hostage to an entirely unrelated matter. There is no justification for continuing to hold the OAA and its many vital programs hostage. It is unfair to the millions of older Americans-great numbers of whom are poor and minorities—that are served by the diverse programs of the OAA. That is what the elderly and nearly all the organizations that represent them want. That is why I, together with Senator KENNEDY, and other members of the Labor and Human Resources Committee are introducing this bill.

While there are major differences between the Senate and the House on the earnings test, there are no differences to be resolved on the OAA. By passing this bill, we will be in full agreement with the House. We will be able to send the 1992 OAA amendments to the Presi-

dent in the very near future.

By separating out the Social Security provisions from the OAA provisions we are keeping the matters within their proper jurisdiction, we are keeping an entitlement program distinct from a discretionary program. And we are doing what most advocates for the elderly believe to be the right thing to do. Further delay is inexcusable.

Everyone here knows we face an extraordinarily difficult time in the appropriations process this year. Older Americans Act services, such as homedelivered and congregate meals programs and ombudsmen to resolve nursing home problems, badly need increased funding as do so many other critical domestic programs. Meals programs have long waiting lists and some have been forced to shut down meal sites because of inadequate funding. These programs deserve to be considered for increases in the next fiscal year. Yet, if we fail to reauthorize the OAA promptly, these vital programs will likely have no shot at desperately needed increased funding. In fact, it appears that the House Appropriations Subcommittee with jurisdiction over the OAA has frozen funding at fiscal year 1992 levels and then cut the programs across-the-board by 1 percent.

The OAA amendments authorize a much needed increase in the reimbursement rate provided by the USDA for senior meals. The current per meal rate has been held static since 1987. The Appropriations Committee approved for the current fiscal year adequate funds to provide the authorized increase. The USDA will not, however, increase the rate until the OAA is reauthorized. That means if we do not act now, the funds are likely to be lost. And that means that many seniors who need meals will not get them.

In Seattle, for example, one senior meals program faces a 5-percent cut in OAA funding due to Washington

State's budget problems. This cut could at least be offset by the authorized USDA increase, thus holding off the actual closure of meal sites. In other words, without this reauthorization, this meals program will likely be forced to cut off current services for many seniors.

The White House Conference on Aging, which the President has called for 1993, cannot proceed without enactment of this legislation. The House Appropriations Committee has denied the administration's re-programming request to fund the conference staff and planning functions because it has not been authorized. In fact, at this very moment the conference staff are packing their boxes and shutting down their office as of this Friday. This important event, which has occurred each decade since 1961, includes tremendous grassroots involvement. It takes considerable time to execute. The longer the delay in enacting our reauthorization legislation the more difficult it will be to recover from this half in conference planning and proceed with the conference.

This legislation also includes the reauthorization of programs through the Administration for Native Americans [ANA]. These programs are crucial to Indian tribes throughout the Nation. The reauthorization of those programs is also held hostage to the dispute over the earnings test.

Mr. President, there is much more in this reauthorization that will not happen if we do not get these amendments signed into law. While I will not use our time to outline a complete list, I would like to add for the RECORD a list of key agreements reached with the House that reconcile differences between the original House and Senate versions of the reauthorization legislation.

In addition, I also will ask unanimous consent to have printed in the RECORD examples of letters that I have recently received imploring us to complete work on the OAA reauthorization. One of these letters is from the Leadership Council on Aging, an umbrella organization for the majority of the national organizations representing the elderly. This letter, signed by 22 of the member organizations, urges "the immediate passage of the Older Americans Act [OAA] reauthorization legislation."

We must respond positively to this plea. Let us break the gridlock, demonstrate the leadership the American people want of us, and do the right thing. We need to move quickly to pass the Older Americans Act amendments of 1992. Let us do it now.

Mr. President, I ask unanimous consent that the above-mentioned items be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF KEY PROVISIONS IN THE OLDER AMERICANS ACT AMENDMENTS OF 1992 AGREED TO BY SENATE AND HOUSE COMMIT-TEES OF JURISDICTION

New Elder Rights Title-to consolidate and strengthen provisions, relating to elder abuse prevention, ombudsman services to investigate nursing home complaints, legal assistance, outreach and insurance and entitlements counseling programs.

Minority Participation-Increasing through a number of provisions, including requiring State Units on Aging, area agencies on aging, and service providers to set specific objectives for minority targeting. Also requires intrastate funding formulas to take into account the number of individuals in greatest economic and social need, with particular attention to low-income minorities

Supportive services for family caregivers of frail individuals-added as a new subpart to title III.

Intergenerational services at meal sites in public schools-to provide meals for older individuals in public schools to promote intergenerational activities with at-risk kids (based upon Seattle's highly successful SPICE program).

Transfers of funds-to limit the amount of transfers between different programs under the OAA both between title III-B (supportive services) and III-C (congregate and homedelivered nutrition programs) and within title III-C. In particular, significant amounts of funds appropriated for meals have been transferred to other services. Transfers between title III-B and III-C are limited to 30% in 1993, 25% in 1994 and 1995 with an additional 5% waiver, and 20% in 1996 with an 8% waiver. Transfers within the title III-C are also limited to 30%, with an additional waiver of 18% in 1993, 15% in 1994 and 1995, and 10% in 1996

USDA per meal reimbursement rateraises the reimbursement rate to 61 cents. adjusted annually to account for increases in the consumer price index or the number of meals served divided into the amount appropriated, whichever is greater. The current rate has been fixed at 57.76 cents per meal since 1987. This ensures that nutrition programs receive the highest rate possible and all the monies appropriated to them.

White House Conference on Aging-authorizes a conference to be conducted no later than December 31, 1994 (the President has called for the conference in 1993). Provides for the first time an expanded Congressional role in the Conference by including Congressional appointees with the President's appointees to the conference policy committee. Specifies that the conference will have a focus on intergenerational policies and is-

Special consideration for rural areas-requires states to identify the actual and projected costs of delivering services in rural areas.

Minimum funding base for title V older worker program contractors-to ensure a minimum funding base for all national contractors under the Department of Labor administered program to provide part-time minimum wage jobs to low-income individuals age 55 and over. The minimum base would be approximately \$5 million and closes the funding gap between national programs serving Indian and Pacific Asian elders.

Database on Long-Term Care Health Workers-to establish national demographic information on non-professional health care workers employed by nursing homes and home health agencies.

Funding for Title IV (Training, Research, and Discretionary Programs)-Includes demonstration and research programs adopted by both the House and the Senate, including programs to provide intergenerational services, pension counseling, ombudsmen for older tenants of publically assisted housing, long-term care research, and others. The total authorization of appropriations for title IV is set at \$72 million currently, but in general, no individual program within title IV is earmarked for a specific appropriation. Instead, the programs will receive "such sums as may be necessary."

Authorizations of Appropriations-In general, the higher authorization figures from both bills were accepted for FY 92 and "such sums as may be necessary" authorized in FY 93 and beyond for the Act's many vital services, including congregate and home-delivered meals, transportation, in-home care, information and referral, services for Native American elders, and many others.

Reauthorization of the Administration for Native Americans (ANA)—the bill includes the resuthorization of the Administration for Native Americans Programs Act of 1974. The ANA provides for financial assistance to tribal governments and Native American organizations to promote the goal of economic and social self-sufficiency for American Indians, Native Hawaiians, other Native American Pacific Islanders, and Alaska Natives.

> LEADERSHIP COUNCIL OF AGING ORGANIZATIONS, Washington, DC, June 12, 1992.

DEAR SENATOR: The undersigned members of the Leadership Council of Aging Organizations [LCAO] urge the immediate passage of the Older Americans Act [OAA] reauthorization legislation. Millions of older citizens depend on programs under the Act for community and social services, nutrition programs, senior centers, legal assistance, homebound care and assistance, research and demonstrations, and employment opportunities. These programs serve at the core of the Federal response to the needs of the most vulnerable among the nation's fastest growing population group-older persons.

This vital legislation will make significant improvements not only in services available under the Act, but in effective administration and targeting of its very limited resources. Further, the legislation authorizes and provides a process and structure for a White House Conference on Aging.

It is critical to pass this important legislation before the congressional appropriations process is completed. Otherwise, important improvements in services to millions of older Americans will go underfunded or completely unfunded.

Sincerely.

HORACE B. DEETS.

THE FOLLOWING LEADERSHIP COUNCIL OF AGING ORGANIZATIONS HAVE SIGNED-ON TO THIS LETTER

American Association of Homes for the

American Association of Retired Persons.

AFSCME Retiree Program.

American Society on Aging. Association for Gerontology in Higher Education.

Association for Gerontology and Human Development in Historically Black Colleges and Universities.

Catholic Golden Age. Eldercare America, Inc.

The Gerontological Society of America. Grav Panthers.

Green Thumb, Inc.

National Association of Foster Grandparent Program Directors.

National Association of RSVP Directors. Inc.

National Association of Retired Federal Employees.

National Association of Senior Companion Project Directors.

National Association of State Units on Aging.

National Caucus and Center on Black Aged. Inc.

National Council of Senior Citizens. National Council on the Aging, Inc.

National Pacific/Asian Resource Center on Aging.

National Senior Citizens Law Center. Older Women's League.

THE CITY OF NEW YORK. DEPARTMENT FOR THE AGING, New York, NY, June 23, 1992.

Hon. BROCK ADAMS.

U.S. Senate. Hart Senate Office Building. Washington, DC.

DEAR SENATOR ADAMS: I write to you about a matter which is urgent for all senior citizens-the Reauthorization of the Older Americans Act (OAA). The Reauthorization bill should be passed promptly. We understand that it is not being held up by the Older Americans Act itself, but rather one amendment, the Social Security earnings limitation test.

The earnings test limitation must be resolved by Congress. However, this should not hold up the Older Americans Act Reauthorization, which must be passed during this session of the Congress. Unless it is, newly funded programs such as Disease Prevention and Health Promotion cannot be implemented, authorization increases for essential programs will be held up, and plans for the 1993 White House Conference for Aging cannot proceed.

We in New York City hope very much that you will separate the earnings test issue from the Older Americans Act Reauthorization and pass the Reauthorization bill.

We know of your concern about the elderly, and therefore, hope that you will act on this matter before the July 4th recess. Sincerely,

PREMA MATHAI-DAVIS, Commissioner.

SENIOR SERVICES OF SEATTLE-KING COUNTY Seattle, WA, June 11, 1992.

Hon. BROCK ADAMS. U.S. Senate, 513 Hart Building, Washington,

DEAR SENATOR ADAMS: As the largest provider of Congregate and Home Delivered Meals in Washington State, I am very concerned by the apparent lack of ability of Congress to pass H.R. 2967, a bill to reauthorize the Older Americans Act. Failure to pass this important legislation means a loss of nearly \$40,000 to my program alone. This represents 26,000 meals that I will not be able to serve in King County.

The typical Meals-on-Wheels client is an 83 year old woman, who lives alone, who has an income of \$600.00 per month and who suffers from two chronic health conditions. Very often, her ability to even remain in her own home is based on her ability to receive this meal. By not passing this legislation, you are taking away her ability to remain in her home. Believe me, any other option will be far more expensive and less humane than to provide this meal. Please continue your historical support for this important program and pass this legislation Now! Sincerely,

WILLIAM R. MOYER, Director, Nutrition Projects.

WYOMING ASSOCIATION OF SENIOR PROJECT DIRECTORS,

June 17, 1992. Hon. BROCK ADAMS, U.S. Senate, Hart Senate Office Building,

Washington, DC. DEAR SENATOR ADAMS: Members of the above Association of Senior Project Directors strongly urge the passage of the Older Americans Act (OAA) reauthorization legislation. Millions of older citizens depend on programs under the Act for community and social services, nutrition programs, senior centers, legal assistance, homebound care and assistance, research and demonstrations, and employment opportunities. These programs serve as the core of the Federal response to the needs of the most vulnerable among the nation's fastest growing population-older persons.

This vital legislation will make significant improvements not only in services available under the Act, but in effective administration and targeting of its very limited resources. Further, the legislation authorizes and provides a process and structure for a White House Conference on Aging.

It is critical to pass this important legislation before the congressional appropriations process is complete. Otherwise, important improvements in services to millions of older Americans will go underfunded or completely unfunded.

Sincerely,

GERALD VINCENT-HASS. President.

COUNTY OF ORLEANS, OFFICE FOR THE AGING, Albion, NY, June 22, 1992.

Hon. BROCK ADAMS, Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR ADAMS: I am writing to request action in the Senate on the Older American's Act. Although I understand debate on passage rests on issues surrounding the Social Security earnings limitation test, inaction is harming Older Americans Act programming. We are not able to access 1992 appropriation levels, new funding cannot be utilized and the important White House Conference on Aging remains on hold.

The Older Americans Act is the center-piece of Aging Network programs. Yet we have been losing funding ground since 1981. Without access to 1992 funding levels we are continuing to chip away at our ability to accomplish core responsibilities: planning and coordination activities, information and referral, outreach, legal services, in home services, transportation, public information and advocacy. All this is to be accomplished for \$61,407 per year. Even in a small, rural County such a task is impossible.

And yet the need for the advocacy and planning activities is immense as our older population continues to grow, live longer and strongly want to remain in their own homes.

I urge the Senate to either resolve the earnings limitation test or decouple it from the Older Americans Act Bill. The Aging Network must have full access to Older Americans Act funding in order to accomplish the mission Congress has set for us.

Sincerely,

CARRI BLAKE. Director. CLALLAM JEFFERSON COMMUNITY ACTION. June 18, 1992.

Senator BROCK ADAMS, Hart Building, Washington, DC.

DEAR SENATOR ADAMS: As the Director of the Senior Nutrition Program in Clallam and Jefferson counties. I am keenly aware of the importance of the Older Americans Act. Surely you know that its reauthorization is key to the stability of both congregate and home-delivered nutrition services to frail seniors throughout America.

I urge you to marshal all of your resources and to bring to bear all of your influence to affect swift passage of this legislation. Your action will bring some immediate relief to the program (especially the small increases in USDA appropriations) and will forestall a serious loss of prestige for the Act. More importantly, with the full force of the Act behind us, we will be able to avoid site closures, quotas and waiting lists-all of which are live options at this writing.

For all of your work on the Older Americans Act and for your continued efforts on behalf of our seniors, accept our deepest thanks.

Respectfully,
TIMOTHY L. HOCKETT, Director, Senior Nutrition/Centers Division.

Mr. KENNEDY. Mr. President, I am pleased to join with Senator ADAMS in introducing an Older Americans Act reauthorization bill. This bill incorporates the agreements reached by all parties on Older Americans Act reauthorization issues. It does not include provisions liberalizing the Social Security earnings test. However, action on that measure can proceed on separate legislation reported by the Senate Finance Committee.

The Older Americans Act program has, for more than a quarter century, served millions of senior citizens with critically needed services such as Meals-on-Wheels for the home bound elderly, and the Senior Employment Program for modest income senior citizens who need the security of a job. Equally important, the act has created other vital programs for senior citizens, such as the nursing home ombudsmen, who provide a voice for individuals least able to speak for themselves.

I commend Senator ADAMS for the remarkable job he has done in crafting this reauthorization bill. He has provided leadership in consolidating and improving the most important services under the act which protect the rights, autonomy, and independence of older persons. This effort, S. 1471, the Elder Rights Amendments to the Older Americans Act, is one that I endorsed and which I joined as an original cosponsor. It is now a centerpiece of the consensus bill we are introducing today.

Over the past decade, the increasing population of elderly citizens in the population has caused us to seek better answers to the growing need for longterm care. I am pleased that this consensus bill will continue the long-term care resource centers, including the Brandeis Center in Massachusetts. It also authorizes a new demonstration project to improve the delivery of longterm care services. The latter project is an initiative which I developed with Senator PRYOR, the chairman of the Senate Special Committee on Aging.

I also commend Senator Cochran, the ranking minority member of the Aging Subcommittee of the Senate Labor Committee, for his excellent work on this reauthorization bill. We have before the Senate today a measure which reaffirms our commitment to helping older Americans maintain their independence and dignity, and I urge its enactment

Mr. FORD. Mr. President, I ask unanimous consent that the bill be read for

the second time

Mr. DOMENICI. On behalf of the Republican leader, I object.

The PRESIDING OFFICER. Objection has been heard.

The bill will be read on the next legislative day.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees and a withdrawal.

(The nominations and withdrawal received today are printed at the end of

the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution:

S. 249. An act for the relief of Trevor Henderson;

S. 992. An act to provide for the reimbursement of certain travel and relocation expenses under title 5. United States Code, for Jane E. Denne of Henderson, Nevada: and

S. J. Res. 295. a joint resolution designating September 10, 1992, as "National D.A.R.E. Day.'

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 1150. An act to reauthorize the Higher Education Act of 1965, and for other purposes.

The enrolled bill was subsequently signed by the president pro tempore [Mr. BYRD].

At 5:20 p.m., a message from the House of Representatives, delivered by

Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills and joint resolution:

H.R. 761. An act to waive the foreign residency requirement for the granting of a visa to Amanda Vasquez Walker;

H.R. 1101. An act for the relief of William

A. Cassity:

H.R. 1628. An act to authorize the construction of a monument in the District of Columbia or its environs to honor Thomas Paine, and for other purposes;

H.R. 2156. An act for the relief of William A Proffitt:

H.R. 2193. An act for the relief of Elizabeth

M. Hill: H.R. 2490. An act for the relief of Christy

Carl Hallien of Arlington, Texas; H.R. 3288. An act for the relief of

Olufunmilayo O. Omokaye;

H.R. 5059. An act to extend the boundaries of the grounds of the National Gallery of Art to include the National Sculpture Garden:

H.R. 5377. An act to amend the Cash Management Improvement Act of 1990 to provide adequate time for implementation of that Act, and for other purposes; and

H.J. Res. 411. A joint resolution to designate the week of September 13, 1992, through September 19, 1992, as "National Rehabilitation Week."

The message also announced that the House has passed the following bill with an amendment, in which it requests the concurrence of the Senate:

S. 295. An act for the relief of Mary P. Carlton and Lee Alan Tan.

The message further announced that the House has passed the following bill with amendments, in which it requests the concurrence of the Senate:

S. 1671. An act to withdraw certain public lands and to otherwise provide for the operation of the Waste Isolation Pilot Plant in Eddy County, New Mexico, and for other pur-

MEASURES REFERRED

The following bills were read the first and second times, and referred as indicated:

H.R. 761. An Act to waive the foreign residency requirement for the granting of a visa to Amanda Vasquez Walker; to the Committee on the Judiciary;

H.R. 1101. An Act for the relief of William A. Cassity; to the Committee on Armed

Services:

H.R. 1628. An Act to authorize the construction of a monument in the District of Columbia or its environs to honor Thomas Paine, and for other purposes; to the Committee on Rules and Administration;

H.R. 2156. An Act for the relief of William A. Proffitt; to the Committee on Armed Services

H.R. 2193. An Act for the relief of Elizabeth M. Hill: to the Committee on the Judiciary:

H.R. 2490. An Act for the relief of Christy Carl Hallien of Arlington, Texas; to the Committee on Armed Services;

H.R. 3288. An Act for the relief of Olufunmilayo O. Omokaye; to the Commit-

tee on the Judiciary;

H.R. 5377. An Act to amend the Cash Management Improvement Act of 1990 to provide adequate time for implementation of that Act, and for other purposes; to the Committee on Governmental Affairs; and

H.J. Res. 411. A joint resolution to designate the week of September 13, 1992,

through September 19, 1992, as "National Rehabilitation Week"; to the Committee on the

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 22, 1992, he had presented to the President of the United States the following enrolled bill:

S. 1150. An Act to reauthorize the Higher Education Act of 1965, and for other purposes

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3610. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to clarify the procedures for nominating candidates for the military academies; to the Committee on Armed Services.

EC-3611. A communication from the Assistant Secretary of Defense, transmitting, pursuant to law, a report on the treatment of post-traumatic stress disorder; to the Committee on Armed Services.

EC-3612. A communication from the Secretary of Defense, transmitting, pursuant to law, a report entitled "Allied Contributions to the Common Defense"; to the Committee on Armed Services.

EC-3613. A communication from the Director of the Office of Management and Budget. Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated July 10, 1992; pursuant to the order of 1/30/75, as modified by the order of 4/11/86; referred jointly to the Committee on Appropriations, the Committee on the Budget, to the Committee on Agriculture, Nutrition and Forestry, the Committee on Armed Services, the Committee on Banking, Housing and Urban Affairs, the Committee on Commerce, Science and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Foreign Relations, and the Committee on Labor and Human Re-

sources. EC-3614. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to authorize the Secretary of the Army to designate civilian employees to act as approving authorities on reports of survey; to the Committee on Armed Services.

EC-3615. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to authorize a military history dissertation fellowship program; to the Committee on Armed Services.

EC-3616. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on the transfer of imputed interest on required reserve balances to the deposit insurance funds; to the Committee on Banking, Housing and Urban Affairs.

EC-3617. A communication from the President and Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, the financial results of the Resolution Trust Corporation's operation for the year ending December 31, 1991; to the Committee on Banking, Housing and Urban Affeire

EC-3618. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the U.S. Department of Housing and Urban Development's Energy Assessment Report; to the Committee on Banking, Housing and Urban Affairs.

EC-3619. A communication from the Secretary of Housing and Urban Development, transmitting, a draft of proposed legislation entitled "Housing and Community Development Act of 1992;" to the Committee on Banking, Housing, and Urban Affairs.

EC-3620. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation; to the Committee on the Budget.

EC-3621. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on appropriations legislation; to the Committee on the

EC-3622. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation; to the Committee on the Budget.

EC-3623. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation; to the Committee on the Budget.

EC-3624. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the State Block Grant Pilot Program; to the Committee on Commerce, Science, and Transportation.

EC-3625. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, a report on the modernization and restructuring of the National Weather Service; to the Committee on Commerce, Science, and Transportation.

EC-3626. A communication from the Assistant Secretary for Environmental Restoration and Waste Management, transmitting, pursuant to law, a report summarizing the expenditures of the Department's Low-Level Radioactive Waste Surcharge Escrow Account; to the Committee on Energy and Natural Resources.

EC-3627. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on enforcement actions and comprehensive status of Exxon and stripper well oil overcharge fund; to the Committee on Energy and Natural Resources.

EC-3628. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the receipt of project proposals; to the Committee on Energy and Natural Resources.

EC-3629. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report of the Federal Energy Regulatory Commission; to the Committee on Energy and Natural Resources.

EC-3630. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources

EC-3631. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3632. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report with respect to trade between the United States and Romania; to the Committee on Finance.

EC-3633. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Annual Report of the Audit of the Student Loan Marketing Association; to the Committee on Labor and Human Resources.

EC-3634. A communication from the Deputy Executive Director of the Federal Housing Finance Board, transmitting, pursuant to law, the actuarial valuation report for years ending December 31, 1990 and 1991; to the Committee on Governmental Affairs.

EC-3635. A communication from the Benefits Manager of the Farm Credit Bank of Baltimore, transmitting, pursuant to law, the annual reports of Federal Pension Plans; to the Committee on Governmental Affairs.

EC-3636. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Review of Contracts and Contracting Procedures Within the Department of Corrections"; to the Committee on Governmental Affairs.

EC-3637. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the semiannual report of the Inspector General of the Small Business Administration; to the Committee on Governmental Affairs.

EC-3638. A communication from a Fellow of the Society of Actuaries, transmitting, pursuant to law, the annual report of the Farm Credit Bank of St. Paul Retirement Plan; to the Committee on Governmental Affairs.

EC-3639. A communication from the President of the Federal Financing Bank, transmitting, pursuant to law, the first annual report of the Federal Financing Bank; to the Committee on Governmental Affairs.

EC-3640. A communication from the Assistant Attorney General of the Department of Justice, transmitting, pursuant to law, a report on the legalized alien population; to the Committee on the Judiciary.

EC-3641. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the availability of special education; to the Committee on Labor and Human Resources.

EC-3642. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report on proposed regulations governing special fundraising projects and use of candidates name by unauthorized committees; to the Committee on Rules and Administration.

EC-3643. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation to authorize the creation of a Persian Gulf Registry Program; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

S. 2624. A bill to authorize appropriations for the Interagency Council on the Homeless,

the Federal Emergency Management Food and Shelter Program, and for other purposes (Rept. No. 102-327).

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

S. 3006. An original bill to provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy (Rept. No. 102-328).

Mr. GLENN. Mr. President, I am joined in the reporting of this important legislation by my colleagues Senator Boren, Senator Specter, Senator MITCHELL, Senator METZENBUAM, Senator LEVIN, Senator LIEBERMAN, Senator AKAKA, Senator STEVENS, Senator COHEN, Senator DECONCINI, Senator WOFFORD, Senator MURKOWSKI, Senator LEAHY, and Senator GRASSLEY.

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

S. 2257. A bill to amend the Social Security Act to extend the terms of service of the members of the National Commission on Children, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DANFORTH (for himself, Mr. MITCHELL, Mr. PRYOR, and Mr. BOND): S. 2996. A bill to amend title XVIII of the Social Security Act to clarify the classification of sole community hospitals under med-

icare; to the Committee on Finance. By Mr. BAUCUS:

S. 2997. A bill to increase funding for the Small Business Innovation Research Program, and for other purposes; to the Committee on Small Business.

By Mr. RIEGLE: S. 2998. A bill to provide for the designation of enterprise zones, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SARBANES:
S. 2999. A bill to extend the authorization of appropriations of the National Historical Publications and Records Commission for 6 years; to the Committee on Governmental

By Mr. DECONCINI:

S. 3000. A bill to require the Secretary of the Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOMENICI (for himself, Mr. Dole, and Mr. Murkowski):

S. 3001. A bill to amend the Food Stamp Act of 1977 to prevent a reduction in the adjusted cost of the thrifty food plan during fiscal year 1993, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER (for himself, Mr. Durenberger, Mr. Conrad, Mr. Mitchell, Mr. Danforth, Mr. Brad-Ley, Mr. Bingaman, Mr. Moynihan, Mr. Inouye, Mr. Kennedy, Mr. Chafee, and Mr. Hatch):

S. 3002. A bill to amend title XIX of the Social Security Act to provide for optional coverage under State medicaid plans of casemanagement services for individuals who

sustain traumatic brain injuries, and for other purposes; to the Committee on Finance.

By Mr. KERRY:

S. 3003. A bill to amend the Marine Mammal Protection Act of 1972 to authorize the Secretary of State to enter into international agreements to establish a global moratorium to prohibit harvesting of tuna through the use of purse seine nets deployed on or to encircle dolphins or other marine mammals, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SANFORD:

S. 3004. A bill to provide for the liquidation or reliquidation of a certain entry of warp knitting machines as free of certain duties; to the Committee on Finance.

S. 3005. A bill to continue the reduction of duties under the Harmonized Tariff Schedule of the United States on gripping narrow fabrics of man-made fibers; to the Committee on Finance.

By Mr. GLENN:

S. 3006. An original bill to provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy; from the Committee on Governmental Affairs; placed on the calendar.

By Mr. GRAHAM (for himself and Mr.

MACK):

S. 3007. A bill to authorize financial assistance for the construction and maintenance of the Mary McLeod Bethune Memorial Fine Arts Center; considered and passed.

By Mr. ADAMS (for himself, Mr. Ken-NEDY, Mr. INOUYE, Mr. METZENBAUM, Mr. HARKIN, Mr. SIMON, Mr. BINGA-MAN, Ms. MIKULSKI, Mr. DODD, Mr. PELL and Mr. WELLSKI, DODD, Mr.

PELL, and Mr. WELLSTONE):
S. 3008. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a White House Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes.

By Mr. DOMENICI:

S. 3009. A bill to amend title 10, United States Code, to provide for the payment of an annuity or indemnity compensation to the spouse or former spouse of a member of the Armed Forces whose eligibility for retired or retainer pay is terminated on the basis of misconduct involving abuse of a dependent, and for other purposes; to the Committee on Armed Services.

By Mr. DANFORTH (for himself, Mr. HATCH, Mr. KASTEN, Mr. BROWN, Mr. COCHRAN, Mr. THURMOND, Mr. D'AMATO, Mr. SMITH, and Mr. PACK-

WOOD):

S. 3010. A bill to encourage, assist, and evaluate educational choice programs, and for other purposes; to the Committee on Labor and Human Resources.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. DANFORTH (for himself, Mr. MITCHELL, Mr. PRYOR, and Mr. BOND):

S. 2996. A bill to amend title XVIII of the Social Security Act to clarify the classification of sole community hospitals under Medicare; to the Committee on Finance.

MEDICARE CLASSIFIED COMMUNITY HOSPITALS
Mr. DANFORTH Mr. President, I

Mr. DANFORTH. Mr. President, I join with the majority leader, Senator

MITCHELL, Senator PRYOR, and Senator BOND to introduce the Sole Community Hospital Justice Act of 1992. Congress created the sole community hospital designation in order to provide additional reimbursement to those hospitals that are the sole source of care for people in a particular region. Congress gave additional reimbursement to these hospitals in order to ensure that people would have access to care within a reasonable distance of their homes.

Our legislation is designed to insure that hospitals located outside of rural areas that comply with the spirit and the letter of the regulations defining a sole community hospital receive that designation and the additional funding that accompany it. In defining the term "sole community hospital," Congress carefully refrained from restricting the definition to hospitals in any particular geographic region. In fact, Congress stated that any hospital that meets certain objective criteria specified in statute or by the Secretary should be classified as a sole community hospital.

Initially, the Secretary promulgated regulations that delineated certain objective criteria for designation as a sole community hospital. In particular, the Secretary stated that a sole com-

munity hospital must be-

*** located in a rural area *** and meet[] one of the following conditions: (1) The hospital is located more than 35 miles from other like hospitals. (2) The hospital is located between 25 and 35 miles from other like hospitals and meets one of the following criteria: (i) no more than 25 percent of residents who become hospital inpatients or no more than 25 percent of the Medicare beneficiaries who become hospital inpatients in the hospital's service area are admitted to other like hospitals located within a 35-mile radius of the hospital, or, if larger, within its service area ***.

Our objection is to the inclusion of the word "rural" in the regulation. Because the statutory language authorizing the regulation states that—

* * * any hospital * * * that by reason of factors such as * * * location, weather conditions, travel conditions * * * is the sole source of inpatient hospital services reasonably available to individuals in a geographic area * * *

We do not believe that it was necessary for the Secretary to add the word "rural" to the regulation. In our view, this geographic restriction violated the original congressional intent of this designation.

Last year, we made that exact argument to the Administrator of the Health Care Financing Administration, and her reaction indicated the administration's agreement with our position. Yet, in remedying its initial mistaken interpretation, the administration did not go far enough. Instead of removing its geographic restriction in its entirety, the administration removed that restriction from only one of the

objective criteria used to delineate a sole community hospital. In particular, the Health Care Financing Administration permitted other urban hospitals that were located more than 35 miles from other like hospitals to qualify for sole community hospital status.

This legislation is designed to remove the arbitrary geographic restric-tion from one of the other criteria which determine the sole community hospital designation. We propose to permit other urban hospitals that are located between 25 and 35 miles from other like hospitals and that admit at least 75 percent of the residents or the Medicare beneficiaries within its service area who became hospital inpatients. As one can see from this description, these hospitals are the sole source of health care in a particular area, and if rural hospitals meeting the same criteria earn this designation. there is no conceivable reason why the designation should be denied to other urban hospitals.

There are, in fact, a small number of hospitals in other urban areas which meet the HCFA criteria and otherwise comply with the spirit and intent of the law. These hospitals provide muchneeded care to a high percentage of Medicare and Medicaid patients, and without these health care institutions, patients would be forced to travel great

distances to other hospitals.

One of those hospitals, Heartland Health System in St. Joseph, MO, provides needed health care to the citizens of my State. Many of Heartland's patients are poor and old, and without Heartland these people would have no place else to go. It was for hospitals like Heartland that Congress created the sole community hospital designation in the first place, and I do not believe that Heartland should be denied the needed aid this designation provides simply because it is not located in a rural area. If Heartland does not meet the definition of a sole community hospital, than something is wrong with that definition.

In order to provide a high level of care to Medicare recipients in the other urban areas of this country, we must extend the same benefits to these hospitals as are received by rural hospitals. In order to do just that, the majority leader, Senator PRYOR, Senator BOND, and I are introducing the Sole Community Hospital Justice Act of

1992.

By Mr. BAUCUS:

S. 2997. A bill to increase funding for the Small Business Innovation Research Program, and for other purposes; to the Committee on Small Business.

SBIR TECHNOLOGIES PROGRAM

Mr. BAUCUS. Mr. President, I rise today to discuss an issue of critical importance to our country's economic future: investment in technology.

As we all know, the cold war is over and America won. And Americans have now begun to realize that our strength in the world is ultimately dependent on our economic strength rather than on our military strength. Our success in the world is now measured by our ability to deliver semiconductors and automobiles to foreign capitals more than our ability to deliver bombs and troops.

And, if America is to remain a superpower in the coming decades, we as a Nation must refocus our energies.

That is why I rise today to introduce legislation to expand the Small Business Innovation Research or the SBIR Program.

Mr. President, since 1980, the share of the Nation's economy devoted to investments, to education and training, children's programs, infrastructure, and civilian research and development has dropped by 40 percent.

Our country simply can not continue

down that road.

One important aspect of America's decline in investment has been the lack of a real Federal commitment to supporting research in new technologies.

In the past America has led the world in R&D. Now, Europe and Japan have caught up and are surpassing the United States in funding for research in new technologies.

An important step toward rejuvenating the U.S. R&D effort, is to support and bolster programs with proven track records of commercial success for our Nation's industries.

One such program is the Small Business Innovation Research Program.

SBIR PROGRAM

Small businesses have played a critical role in the strength of our economy. They are responsible for employing over 100 million people in the United States. And they have made significant contributions to the research and development of new technologies and products, ensuring the future competitiveness of our Nation's industries.

The SBIR Program requires all Federal agencies with a budget of \$100 million or more for research and development to set aside just over 1 percent of the R&D budgets for allocation to small businesses.

A Government report issued at the time of SBIR's inception in 1983 demonstrated that small businesses were just as successful, if not more so, than large corporations and universities at conducting high-quality innovative research. Small businesses were producing 2½ times as many innovations based on the number of employees than larger corporations. But before the SBIR was instituted, large firms were almost three times more likely to receive public funds for R&D than smaller firms.

Since the SBIR Program was first implemented in 1983, over 18,000 awards

have been made to small businesses pursuing technological research.

Take the example of Electrosynthesis Co. in East Amherst, NY. As a result of SBIR assistance they have developed a technology that converts major pollutants into harmless gas. This electrosynthesis system is aimed at the \$1 billion air purification device market, and it is used to clean air in spraypaint booths, sewage treatment facilities, and plant compost odor control systems.

The successful marketing of SBIR-related technologies is what has made the program so competitive. One criticism of the U.S. R&D effort has been its inability to commercialize new technologies for the benefit of U.S. manufacturers. The United States does develop new technology, but historically we have not aggressively marketed and manufactured the resulting products.

Under the SBIR Program, the final requirement for any award is to successfully market the new technology as both a point of expansion for further development, and for the financial rewards it brings to both small business and the overall U.S. economy.

Here, too, SBIR has been a success. A significant percentage of the developed technologies are brought to the marketplace for commercialization and further development. A Small Business Administration survey showed that 4 years after receiving SBIR funding, 12 percent of small high-technology companies reported commercial success—and that percentage rose to 18 percent after 5 years and 23 percent after 6 years.

We all know that an investment in R&D is a long-term investment. Time will tell of further SBIR successes.

EXPANDING SBIR

I am today introducing legislation to expand and redirect the SBIR.

First, the legislation increases funding levels for SBIR from 1.25 percent of all Federal agency R&D budgets of \$100 million or more to 3.0 percent of those budgets.

Let me be clear: This legislation does not increase the amount of money these agencies will spend. It simply redirects a larger portion of their budgets toward small businesses.

The legislation also creates new awards for research in a number of critical, key-growth technologies.

This list of emerging technologies has been chosen by the Secretary of Commerce with the recognition that,

When an industry uses a new technology to design or improve a product and successfully carries it to the commercial marketplace, that new or improved product becomes the starting point for development of the next generation of products or services.

While some may argue against this approach, if we are to succeed in the changing global economy, we must have a strong Government commit-

ment to the development of growth technologies. We have to spark a resurgence of American economic and technological leadership.

I have no doubt that we can do it, it's just a matter of moving boldly forward, of restoring our traditional American can-do spirit. Research in areas such as superconductors, biotechnology, and opto electronics begins a process of product development that will bear fruit in an infinite variety of new products and technologies. The SBIR funds will help create the foundation upon which to continue expanding in the future.

My legislation to help expand the SBIR is an ideal first step in reaffirming Government support for R&D. Not only does the SBIR provide valuable funding for small businesses, it also promotes the commercialization of the key commercial technologies for the next century.

Mr. President, I ask unanimous consent that the bill be printed in the

RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSES.

The purposes of this Act are—
(1) to expand and improve the Small Business Innovation Research Program through

increased funding; and
(2) to reserve certain awards under the program for small business concerns engaged in

critical technologies projects. SEC. 2. SBIR FUNDING.

Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended to read as follows:
"(f) FEDERAL AGENCY EXPENDITURES FOR

"(f) FEDERAL AGENCY EXPENDITURES FOR SMALL BUSINESS INNOVATION RESEARCH PRO-GRAM PROJECTS.—

"(1) IN GENERAL.—Each Federal agency that has an extramural budget for research or research and development in excess of \$100,000,000 in any fiscal year shall expend with small business concerns specifically in connection with a small business innovation research program that meets the requirements of the Small Business Innovation Development Act of 1982 and regulations issued thereunder—

"(A) 1.25 percent of such budget in fiscal

year 1993;

"(B) 1.75 percent of such budget in fiscal year 1994;
"(C) 2.25 percent of such budget in fiscal

year 1995; "(D) 2.75 percent of such budget in fiscal

year 1996; and
"(E) 3 percent of such budget in each fiscal

year thereafter.

"(2) CRITICAL TECHNOLOGIES PROJECTS.—
"(A) RESERVED AMOUNTS.—All amounts expended in any fiscal year by a Federal agency in accordance with paragraph (1) in excess of 1.25 percent of such agency's budget for research or research and development shall be expended in connection with a small business innovation research project involving research in or research and development of the critical technologies listed in subparagraph

"(B) TYPES OF PROJECTS.—The critical technologies projects referred to in subparagraph (A) are projects involving—

- "(i) advanced materials;
- "(ii) superconductors;
- "(iii) advanced semiconductor devices;
- "(iv) digital imaging technology; "(v) high-density data storage; "(vi) high performance computing;

"(vii) optoelectronics;

"(viii) artificial intelligence;

"(ix) flexible computer-integrated manufacturing:

'(x) sensor technology:

"(xi) biotechnology;
"(xii) medical and diagnostic devices; and "(xiii) such other technologies identified by the Secretary of Commerce as critical

technologies.

"(3) CRITICAL TECHNOLOGIES PREFERENCE.-In expending amounts under this subsection, each Federal agency shall give preference to a small business innovation re-search project that involves a critical technology referred to in paragraph (2)(B).

"(4) LIMITATIONS .-

"(A) NON-SBIR PROJECTS .- A funding agreement with a small business concern for research or research and development that results from competitive or single source selections other than under a small business innovation research program shall not be counted as meeting any portion of the percentage requirements or paragraph (1).

"(B) DEPARTMENT OF ENERGY DEFENSE PRO-GRAMS .- Amounts appropriated for atomic energy defense programs of the Department of Energy shall, for the purposes of paragraph (1), be excluded from the amount of the research or research and development

budget of that Department."

By Mr. RIEGLE:

S. 2998. A bill to provide for the designation of enterprise zones, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

ENHANCED ENTERPRISE ZONE ACT OF 1992 • Mr. RIEGLE. Mr. President, I rise today to introduce the Enhanced En-

terprise Zone Act of 1992. We have all heard a great deal in the past few months about enterprise zones as a solution to the lack of economic opportunity and the social decay that confront the residents of many of America's inner cities. I have long supported enterprise zones as an experiment worth trying to bring economic opportunity to inner city residents. But I am introducing this legislation today because I am convinced that enterprise zones as currently conceived are only half a strategy, and half a strategy is doomed to fail unless it is

In crafting the bill, I have built on what I saw and heard during a recent visit to Benton Harbor, an inner city community in my home State of Michigan. Benton Harbor is home to Michigan's only State-sponsored enterprise zone. The lesson that Benton Harbor has learned from its enterprise zone experience is one we here in Washington must heed as we craft Federal enterprise zone legislation: Tax incentives can be helpful, but tax incentives alone will not provide an adequate new economic start for the poor and minority residents of our inner cities.

made whole.

Tax incentives tend to empower outside businesses rather than inner city residents. Benton Harbor's enterprise zone has been credited with attracting 100 new or expanded businesses and creating 700 jobs, but only a small fraction of those jobs have gone to residents of Benton Harbor who are largely unskilled, poor, and minorities. While that is helpful, it must be substantially augmented to bring about real economic renaissance.

The people of Benton Harbor and of similar communities throughout the Nation must have the means to improve their job skills before they can

fully take advantage of new employment opportunities. The also need better access to capital to start businesses of their own and to buy or upgrade their homes. Job skills and access to capital-along with targeted breaks for entrepreneurs—can be the foundation for true economic empowerment. In addition, distressed communities cannot begin to turn themselves around while most of the work force lives in dilapidated housing, has inadequate access to needed child

care, and is afraid to walk the streets at night because of high crime rates

and a shortage of needed police.
As chairman of the Committee on

Banking, Housing, and Urban Affairs, I have crafted an enhanced enterprise zone bill that focuses on programs within the jurisdiction of the committee. This legislation fills some of the gaps in the administration's tax-oriented enterprise zone proposal by targeting additional Federal resources to communities designated as Federal enterprise zones. These resources would empower residents of enterprise zone communities to build new housing and infrastructure, to acquire needed education and job skills, to put more police on their streets, and to generate fresh capital to start business enterprises they will own and manage and which will create jobs.

Specifically, the bill provides \$855 million in new Federal resources for enterprise zones and distressed areas in fiscal 1993 and \$885 million in fiscal 1994. This is \$355 million more in 1993 and \$385 million more in 1994 than the enterprise zone legislation recently passed by the House of Representatives. These funds will be targeted to help communities address pressing social and economic needs if they are to offer their residents a true opportunity

for empowerment.

For housing, the bill targets to these zones additional housing construction and rehabilitation resources under the HOME investment partnership. The bill provides authorizations of \$250 million for the zones in fiscal year 1993 and \$260 million in fiscal 1994. The bill also reduces the State and local match requirements for the HOME Program for projects undertaken in the zones and provides them with preferences in the award of distressed public and rural housing grants. Finally, the bill

streamlines regulations under HOME Program to facilitate new construction and other housing production in the zones.

For education and job training, the bill targets to the zones additional funds under the community develop-ment block grant program. The bill provides authorizations of \$500 million in fiscal year 1993 and \$520 million in fiscal 1994. Restrictions on the use of block grant funds are lifted to allow use of as much money as the local communities deem advisable on job training and related services. The bill also provides an additional \$5 million in fiscal 1993 and \$10 million in fiscal year 1994 for youthbuild training programs in the zones. Youthbuild, a new program established in the pending housing authorization bill, provides grants to community-based organizations to educate and train low-income youth in housing construction and rehabilitation.

To increase access to capital, the bill creates the enterprise capital access fund. The fund would have \$100 million in fiscal 1993 and \$200 million in fiscal 1994 to make low-interest loans and technical assistance grants to nonprofit community-based lenders for loans to businesses, housing, and other community and economic development activities that benefit residents of the zones and other distressed communities. Community development block grant regulations would also be streamlined to facilitate use of block grant funds to assist small and microbusinesses and businesses in distressed communities

To promote public safety, the zones would receive preference in the award of public housing drug elimination grants. They would also be able to use the additional community development block grant resources to hire more police or develop innovative initiatives to enhance public safety.

To build infrastructure, the State and local match requirements for urban mass transit would be cut in half for projects designed to increase the mobility of enterprise zone residents. Community development block grant funds could also be used for infrastruc-

ture development projects.

The bill also requires the Comptroller General to study and report to Congress on the availability of insurance for businesses and residences in enterprise zones and other inner city areas. The crisis in Los Angeles brought to light evidence of continued discrimination and redlining in the insurance market. News reports surfaced that many businesses and residences destroyed in the rioting lacked insurance because coverage was unavailable. The study required by the bill will contain recommendations for legislative action to enhance the availability of insurance in urban areas. Adequate insurance is a crucial building block of a healthy neighborhood economy.

The bill is just a first step. It provides some of the non-tax elements necessary for enterprise zones to have any chance of enabling the residents of our distressed communities to move themselves into the economic mainstream. In the coming weeks, I will be working with Senator BENTSEN, chairman of the Senate Finance Committee. to develop the tax components of an enterprise zone package that will empower zone residents and not just business owners by linking tax breaks to jobs for zone residents.

Even such a balanced enterprise zone package as this is just the beginning in a comprehensive war on the crisis confronting urban America. Enterprise zones are an important experiment that initially will only reach a limited number of communities. If it works as we think it can, we will greatly expand

the program.

Breaking the spiral of decline and putting America's cities on an upward path demands a concerted national commitment to reach all distressed communities. This commitment will require the dedication of substantial national resources—both immediately and over the long-term-by Government and the private and not-for-profit

communities alike.

This commitment should build on programs that we know work-programs like Head Start to prepare preschool kids, chapter 1 compensatory education to fund additional educational programs for educationally disadvantaged elementary and secondary school students, and Job Corps to help disadvantaged teenagers develop practical employment skills. But we must also develop new programs in which business and community groups work with the Government in a new urban partnership to shape cities whose residents have the economic tools needed to be self-sufficient and to produce vibrant social and economic communities.

We must make this commitment to enable the residents of our cities to become full participants in the social and economic mainstream of our Nation. We do this not just for reasons of equity and compassion but out of concern for our Nation's future competitiveness in the world economy. For, by the year 2000, 57 percent of the new entrants to America's work force will be drawn from the minority populations that are concentrated in our inner cities. Unless they have world class work skills and economic opportunities to apply those skills, America will undergo serious decline.

I will be working aggressively to shape our national commitment to a new urban partnership in the weeks and months to come, and I look forward to working with my colleagues on both sides of the aisle—as well as the President-for the well-being of the people of our cities and of our Nation as a whole.

By Mr. SARBANES:

S. 2999. A bill to extend the authorization of appropriations of the National Historical Publications and Records Commission for 6 years; to the Committee on Governmental Affairs.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION AUTHORIZATION

· Mr. SARBANES. Mr. President, for the last 4 years it has been my privilege to serve as the representative of the U.S. Senate on the National Historical Publications and Records Commission; and I am introducing legislation today to reauthorize the Commission

for an additional 6 years.

The NHPRC's statutory mandate is to promote the preservation and use of America's historical legacy. Recently, the Commission completed an extensive review of its operations and its future goals. At its February 1992 meeting, the Commission adopted a longrange plan entitled "To Protect a Priceless Legacy." The plan proposed broad goals and specific objectives for the operation of the Commission from now until the end of the century. It is a realistic and challenging document, and I enthusiastically supported its adoption. Absent the increased funding sought in this reauthorization bill, the Commission would be hard pressed to undertake work toward more than the top half-dozen objectives in its comprehensive plan.

NHPRC grants are producing valuable results. Just this month saw publication of the first volume of the papers of Martin Luther King, Jr., completion of the papers of Henry Clay, the diary of Elizabeth Drinker, the papers of Elizabeth Cady Stanton and Susan B. Anthony, and the congressional series of the papers of James Madison-

all assisted by NHPRC grants.

It is important that the Commission continue its respected work in preserving this Nation's heritage, and I believe this reauthorization legislation is a practical step in ensuring continuity of the Commission's programs.

By Mr. DECONCINI:

S. 3000. A bill to require the Secretary of the Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL COIN BILL

• Mr. DECONCINI. Mr. President, I rise today to ask this body to recognize the men and women of law enforcement who have died in defense of their communities and their country. The measure I have sent to the desk is a very simple proposal that is intended to make clear a profound truth: The war in our Nation's streets against crime, drugs and violence is claiming some of the very best and brightest of our citizens: police officers.

As many of you know, there is a majestic National Law Enforcement Officers Memorial just down the street from the Capitol. This includes a "Pathway of Remembrance" where the names of 12,928 law enforcement officers who have died in the line of duty from all parts of the United States are engraved on marble walls. It is the one symbol which reminds us all that there is a domestic war which claims its victims every single day. It is a tribute to the sacrifices made by the brave men and women of law enforcement and their families. The memorial is a constant reminder of the increasingly dangerous occupation which is today's law enforcement. The bill I am sending to the desk today is a further recognition of the bravery displayed by these protectors of the peace.

The National Law Enforcement Officers' Memorial Coin Act, which I am introducing today, will authorize the minting of coins to be issued in 1993 to pay honor and respect to these fallen protectors of the peace. This legislation will allow for a surcharge on the sale of these coins, the proceeds going to establish a National Law Enforcement Officers Memorial Maintenance Fund. The fund will be used to finance major repairs and alterations to the memorial, and when tragedy strikes again, the addition of individual names to the memorial. In addition proceeds from the sale of these coins will cover payment to the Treasury Department for all costs authorized in this bill. Sadly, it is the estimate of law enforcement organizations that another 153 names will have to be added to the memorial by year's end. The bill I am introducing today will authorize the minting of a limited number of both gold five dollar and silver one dollar coins. Sales of the gold five dollar coin will include a surcharge of \$35 and \$7 for the silver one dollar coin. The Secretary of the Treasury in consultation with officials of the National Park Service and the U.S. Commission on Fine Arts will select the coins design.

From the very inception of the Law Enforcement Memorial to final construction, the funding has come from the private donations of thousands of individuals, corporations and many law enforcement organizations. None of these people had to do this; many have made great sacrifices to complete this silent tribute to their friends, family, colleagues, mothers and fathers. In keeping with the tradition of the memorial, the total cost for production and distribution of the coins will be paid from the surcharge on the coin itself and it will not cost the taxpayer

one penny.

This bill will allow the minting of a limited number of two types of coins, a gold coin with a \$5 denomination and a silver coin with a \$1 denomination. The Secretary of the Treasury, in consultation with officials of the National Law Enforcement Officers Memorial Fund. the National Park Service, and the U.S. Commission of Fine Arts will, se-

lect the coin's design.

We all should be more aware that we are here today, assured in the knowledge that there are unique individuals who are willing to lay their life on the line for our safety and security. It is our responsibility to honor this bravery, dedication to duty and recognize those who paid the ultimate sacrifice.

I can tell you that there is no doubt in my mind that your support for the minting of these coins and the establishment of this fund will touch the hearts and minds of generations of police officers and their families.

Despite the best efforts of all branches of Government our first line of defense against absolute anarchythe police officer-continues to be killed in the line of duty. Mr. President, I am sure that you would agree this is an abhorrent reality. It is my fervent wish that not a dime from the proceeds of the sale of these coins would be necessary to add another name to the national memorial or any of the hundreds of State and local law enforcement memorials across the country. It is painfully evident that until we as a nation get serious on the crime epidemic, officers will still die, families will suffer and names will continue to be added to these memorials.

I am pleased to inform you Mr. President that this bill will also be a living tribute to the men and women who wear the badge, as well as a memorial maintenance fund. There is a provision contained in this legislation which authorizes the Secretary of the Interior in consultation with the Attorney General to establish an educational scholarship for the immediate family members of law enforcement officers killed in the line of duty, using a portion of revenues generated by coin sales.

The police officer is on duty 24 hours a day, 365 days a year. It is appropriate for my colleagues and I to take just a few moments to help repay that dedication and take this measure under immediate consideration. You will find that this bill is clear and concise, and that it should be considered and passed

in an expeditious manner.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Law Enforcement Officers Memorial Coin Act"

SEC. 2. COIN SPECIFICATIONS.

(a) FIVE DOLLAR GOLD COINS .- The Secretary of the Treasury (hereafter referred to as the "Secretary") shall issue not more than 200,000 five dollars coins, which shall-

(1) weigh 8.859 grams;

(2) have a diameter of 0.850 inches; and

(3) contain 90 percent gold and 10 percent allov.

(b) ONE DOLLAR SILVER COINS.-The Secretary shall issue not more than 750,000 one dollar coins which shall-

(1) Weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(c) DESIGN.—The design of coins authorized to be minted under this Act shall be emblematic of the National Law Enforcement Officers Memorial, and shall be minted from stockpiles established under the Strategic and Critical Minerals Stock Piling Act (50 U.S.C. 98 et seq.). On each such coin there shall be a designation of the value of the coin, an inscription of the year "1993", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(d) LEGAL TENDER.-The coins issued under this Act shall be legal tender as provided in section 5103 of title 31. United States Code.

SEC. 3. SELECTION OF DESIGN.

The design for each coin authorized by this Act shall be selected by the Secretary after consultation with the National Law Enforcement Officers Memorial Fund, Inc., the Secretary of the Interior (or his or her designee), and the United States Commission of Fine Arts

SEC. 4. SALE OF COINS.

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price at least equal to the cost of bullion. plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

SALES.—The Secretary shall (b) BULK make bulk sales at a reasonable discount.

(c) PREPAID ORDERS .- The Secretary shall accept prepaid orders for the coins prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount.

(d) SURCHARGE REQUIRED.—All sales shall include a surcharge of \$35 per coin for the five dollars coins and \$7 per coin for the one dollar coins.

SEC. 5. ISSUANCE OF THE COINS.

(a) PERIOD FOR ISSUANCE.—The coins authorized under this Act shall be issued only through the end of calendar year 1993.

(b) PROOF AND UNCIRCULATED COINS .coins authorized under this Act shall be issued in uncirculated and proof qualities, and not more than 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality.

SEC. 6. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out this Act. Nothing in this section shall relieve any person entering into a contract under the authority of this Act from complying with any law relating to employment opportunity. No firm shall be considered to be a Federal contractor for purposes of 41 C.F.R. Part 60 et seq. as a result of participating as a United States Mint consignee.

SEC. 7. DISTRIBUTION OF SURCHARGES.

Of the total surcharges received by the Secretary from the sale of coins under this Act shall be promptly paid by the Secretary to the Fund established under section 11.

SEC. 8. AUDITS.

The Comptroller General shall have the right to examine such books, records, documents, and other data of the National Park Service as may be related to the expenditure of amounts paid under paragraph (2) of section 9.

SEC. 9. COINAGE PROFIT FUND.

Notwithstanding any other provision of

(1) all amounts received from the sale of coins under this Act shall be deposited in the coinage profit fund:

(2) the Secretary shall pay the amounts authorized under this Act from the coinage profit fund to the Fund established under section 11 and to the Department of the

Treasury; and
(3) the Secretary shall charge the coinage profit fund with all expenditures under this

SEC. 10. FINANCIAL ASSURANCES.

(a) NO COST TO THE GOVERNMENT.-The Secretary shall take such actions as may be necessary to ensure that the minting and issuance of the coins under this Act shall not result in any net cost to the Federal Govern-

ment.
(b) PAYMENT.—No coin shall be issued under this Act unless the Secretary has received-

(1) full payment therefor;(2) security satisfactory to the Secretary to indemnify the United States for full pay-

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

SEC. 11. NATIONAL LAW ENFORCEMENT OFFI-CERS MEMORIAL MAINTENANCE FUND.

(a) ESTABLISHMENT.—There is hereby es tablished the National Law Enforcement Officers Memorial Maintenance Fund (hereafter referred to as the "Fund"), which shall be a revolving fund, to be administered by the Secretary of the Interior (or his or her designee). Monies for the Fund shall be raised through surcharges authorized under section 8. The Secretary of the Interior may accept donations for the Fund. The Fund shall be maintained in an interest bearing account within the Department of the Treas-

(b) PURPOSES.—The Fund shall be used-

(1) for maintenance and repair of the National Law Enforcement Officers Memorial; (2) to add to the Memorial the names of

law enforcement officers who have died in the line of duty;
(3) for security of the Memorial site, to include the posting of National Park Service

rangers and United States Park Police, as appropriate:

(4) at the discretion of the Secretary of the Interior and in consultation with the Secretary of the Treasury and the Attorney General of the United States, who shall establish an equitable procedure between the Fund and such other organizations as may be appropriate to provide educational scholarships to the immediate family members of law enforcement officers killed in the line of duty whose names appear on the Memorial, the total amount of such scholarships not to exceed 10 percent of the Fund's annual income:

(5) for the dissemination of information regarding the Memorial to the general public;

(6) to administer the Fund, including contracting for necessary services, in an amount not to exceed the lesser of-

(A) 10 percent of the Fund's annual income; and

(B) \$200,000 in any 1-year period.

(c) BUDGET AND AUDIT TREATMENT .- The Fund shall be subject to the budget and audit provisions of the Government Corporations Control Act.

By Mr. DOMENICI (for himself. Mr. Dole, and Mr. Murkowski): S. 3001. A bill to amend the Food Stamp Act of 1977 to prevent a reduction in the adjusted cost of the thrifty food plan during fiscal year 1993, and for other purposes; to the Committee

on Agriculture, Nutrition, and Forestry.

TEMPORARY PROHIBITION ON THE REDUCTION OF FOOD STAMP BENEFITS

Mr. DOMENICI. Mr. President, I am going to send a bill to the desk on behalf of myself, Mr. DOLE, and Mr. MUR-KOWSKI that has to do with food stamps. I call the bill, just to be very descriptive, a temporary prohibition on the reduction of food stamps benefits. Mr. President because we have had inflation go down, we are scheduled on October 1 to have a \$4-reduction in the monthly basic food stamp allotment to the poor who are entitled to food stamps. I do not believe we should do that in a year that is as difficult as this.

All I have done with this measure is provide that the current measure for benefits not be reduced for 1 year. I will tell the Senate that the bill does not violate the Budget Act because the baseline that we have been calculating from obviously anticipated that the food stamp allotment would be the same or even higher. By virtue of deflation, it will likely come down. I think that we ought to quickly pass a measure like this so we dispel any idea that we are going to reduce maximum benefits to anyone in this country entitled to food stamps.

I send the bill to the desk.

Mr. President, this problem has come to my attention concerning the benefit levels of the Food Stamp Program, which fortunately, we can easily address.

Mr. President, the economy is growing, but as we all acknowledge, it is at a rate that is slow to impact some of the needlest in our country. There are currently 25.4 million Americans who are counting on food stamps to supplement their income.

This year, the Federal Government will spend an estimated \$22.4 billion on

the Food Stamp Program.

Current law requires an adjustment to the food stamp allotment level, based on a measurement called the thrifty food plan. The thrifty food plan is an estimate of the food needs for a family of four which serves as the benchmark for establishing benefit levels.

Currently the value of this thrifty food plan is \$359 per month for a family of four. The maximum benefit allow-

able is \$370 for a family of four; the actual food stamp benefit a family receives is calculated based on the family's income.

This year, reduced inflation will reduce the thrifty food plan allotment. This will decrease benefits just over \$4

a month for a family of four.

Mr. President, I believe my colleagues will agree that it is not the time to reduce benefit levels for this program.

I have been assured that we can sustain the present level of food stamp benefits, as we do in this bill, without violating any Budget Act or pay-go

provisions.

When formulating their baseline, the Congressional Budget Office assumed an increase in the thrifty food plan measurement and in the commensurate level of food stamp benefits, as did the administration.

I am introducing legislation today with Senators Dole and Murkowski which would have the effect of prohibiting any reduction in benefits for the coming year. This would impose a temporary prohibition on the reduction of food stamp benefit levels, for fiscal year 1993 only, after which benefit levels would resume as under current law.

I would urge my colleagues to expedite consideration of this bill in order to reassure millions of Americans that

their benefits are secure.

Mr. DOLE. Mr. President, I rise today to join the distinguished ranking member of the Budget Committee in introducing legislation to hold fiscal year 1993 food stamp benefit levels harmless for the recent decrease in the cost of the thrifty food plan. Under current law, food stamp allotments are adjusted in October of each year based on 103 percent of the cost of the thrifty food plan in the previous June. The thrifty food plan is a market basket list of amounts and kinds of foods.

It is my understanding that without this fix, food stamp benefits for certain households would have to be cut at the beginning of fiscal year 1993 due to the drop in the cost of the thrifty food plan. It is also my understanding that those who would be adversely affected by this benefit adjustment are larger households, which typically are families with children, and households with zero income. In other words, the impact would be felt by those households which are least-equipped to absorb a

reduction in their benefits.

Mr. President, this is the first time in the history of the Food Stamp Program that we have faced this situation. The legislation we are proposing would make a one-time fix to maintain the benefits of those low-income Americans who are most in need of such aid. The administration is supportive of our proposal, and I hope the rest of our colleagues will be as well.

> By Mr. ROCKEFELLER (for himself, Mr. DURENBERGER, Mr.

CONRAD, Mr. MITCHELL, Mr. DANFORTH, Mr. BRADLEY, Mr. BINGAMAN, Mr. MOYNIHAN, Mr. INOUYE, Mr. KENNEDY, CHAFEE, and Mr. HATCH):

S. 3002. A bill to amend title XIX of the Social Security Act to provide for optional coverage under State Medicaid plans of case-management services for individuals who sustain traumatic brain injuries, and for other purposes: to the Committee on Finance.

BRAIN INJURY REHABILITATION QUALITY ACT

Mr. ROCKEFELLER. Mr. President, today, I am introducing the Brain Injury and Rehabilitation Quality Act of 1992 with my distinguished colleague from Minnesota, Senator DUREN-BERGER. This legislation can improve the care and delivery of health services for hundreds of thousands of brain-injured individuals, many of whom will become permanently disabled as a result of their injury. It will allow States to establish a central registry of traumatic brain injuries through the Centers for Disease Control; focus on preventive programs and research on the best treatments for recovery; and give States the authority to use a case management model to help assure the most appropriate, and so, most cost-effective care, is coordinated for these people. The use of case management systems will be constrained by the States' current expenditures on programs for the brain injured, but with the use of this approach. I believe that we will be able to provide better quality and increased services to these people by allowing States to tailor their care to individual needs

Let me tell you who we seek to help by this legislation. The brain injured are unsuspecting and mostly young victims of head traumas. They can be children involved in diving accidents, young adults damaged in automobile crashes, the elderly that have fallen, or any one of us, who have the misfortune to-at any time and without warningsustain a severe blow to the brain.

More often than not, these people will come to depend on Medicaid for their health care. The exorbitant cost of head injuries-from \$100,000 to \$300,000 per year-forces people into the Medicaid Program because few Americans are equipped to deal with those incredible costs. Even if they are covered by insurance, it is likely to run out before their need for care is exhausted. So, for tens of thousands of Americans who will need comprehensive, longterm rehabilitative care, an imperfect Medicaid system becomes the court of last resorts for the head injured and their families. That's why it's so important to make sure the system works.

Linda Petry, a West Virginia mother whose son, Chad, sustained a severe traumatic brain injury 4 years ago is a real life example of the systematic problems that people encounter as they learn to cope with the financial, emotional, and physical burdens associated with caring for a brain-injured family member. Linda struggled to get Medicaid to provide Chad needed rehabilitative care. After months in a facility, she took him home "because he wasn't improving further" and "my conscience was bothering me—the State was spending a fortune—\$500 a day—and Chad wasn't getting what he needed

Linda and Chad's story tells us something about the tough choices that a lot of families face because of Medicaid's current inability—due in part to its institutional bias—to address some of the unique problems of special populations, like the brain injured. Stories like Linda's and Chad's demand that we reconsider how we can best restructure our care delivery system so that these families, who have already endured so much, will have a better chance of receiving the care they need.

Coordinated case management is a tool that can help. The Brain Injury Rehabilitation Quality Act of 1992 will allow States, on a case-by-case basis, to adopt a case management approach. It can keep the brain injured at home when appropriate, saving dollars and preserving families. There is little we can do to protect against the unforeseen and unavoidable personal tragedies that result from head injuries. But we can work to prevent injuries wherever possible, and insure that our health care system can respond to the needs of those citizens who ultimately must rely on its protection. My legislation will help do that as well.

Administrative case management is already working in a program for the brain injured in the State of Minnesota. Minnesota has saved almost \$1.4 million in a year by avoiding residential placement and taking advantage of more appropriate community programs. My legislation builds on that success and allows other States to benefit from Minnesota's model program. Additionally, the act designates State coordinators for traumatic brain injury [TBI] programs, establishes a national TBI registry, and calls for studies of effectiveness of TBI inter-

Each year in the United States there are at least 500,000 individuals hospitalized with TBI's. Even more staggering is the fact that 70,000 to 90,000 people a year who survive with a serious head injury are left with intellectual impairment of such a degree that they cannot return to a normal life and require long-term and high-cost care. And an estimated 1.5 million people suffer from traumatic brain injury at an overall cost to society of \$48 billion. Since the vast majority of head injured are young, lifetime costs for a severely injured may approach \$5 million per

case.
Our current medical, rehabilitation, legal, and social systems are simply

not capable of dealing with the immediate or long-term care needs of head injury victims. Pauline Hess of Martinsburg, WV, provides us with yet another graphic example of a system that cannot respond to the people it is designed to serve. Pauline tells us about her son, Bill, who spent 4 months in a nursing home for the elderly and 6 months in a mental institution because "there was nowhere else to put him," even though Bill is intellectually intact. Neither the Department of Health and Human Services [HHS] nor the Department of Education [DOE] has established standards for postacute care, and the emphasis has been on basic research and demonstration projects. Additionally, limited Federal funding through Medicaid supports medical or hospital-based services. Postacute care funding is not earmarked for the brain injured, and financial support for home and community-based treatment and services is meager.

Surveys of all States confirm what we already know-that current treatment of brain injured citizens is woefully inadequate. Some States don't even know how many patients are receiving public aid for head injury, how they are served, or how much money is expended. Other States refer severely brain injured citizens to costly out-of-State inpatient facilities, where quality of care has not been monitored and where there is compelling evidence of waste, fraud, and abuse by unethical providers of TBI care. A recent study concluded that long, expensive inpatient stays were often unwarranted, and recommended improving the effectiveness of less costly posthospital programs.

At the heart of my Brain Injury Rehabilitation Quality Act is the hope that we can help more individuals either return to productive lives in their communities, or at least be placed in supervisory care that maximizes their function and well-being. This bill is designed to identify the scope of the problem, coordinate care, and develop research programs that prevent or reduce TBI. Its key features are:

Optional Medicaid coverage of casemanagement services for individuals with TBI's as long as the total cost of the State program does not exceed current State expenditures. Administrative case managers assess, plan, and coordinate a broad range of services while making sure that the best value is achieved for every public dollar expended. Greater emphasis will be placed on home and community based settings, rather than more costly and sometimes inappropriate residential care:

A national registry of TBI's through the Center for Disease Control:

Designated State TBI coordinators to contract for Statewide services, develop a prevention program, establish a central registry and reporting system for TBI's, and develop standards for marketing TBI services;

A study of effectiveness of TBI interventions by the Agency for Health Care Policy and Research.

I hope you will carefully consider the magnitude of this problem and the positive, life-enhancing difference this legislation can make to those who suffer from the terrible burdens of these disorders. Several years ago, Congress recognized the Decade of the Brain by enacting a resolution to identify the tremendous needs and opportunities which exist in this area. With your help, we can carefully invest resources in needed brain-related research, health services, and education.

Mr. President, I ask unanimous consent that the full text of the bill, along with the bill summary, be printed in the RECORD

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Brain Injury Rehabilitation Quality Act of 1992".

SEC. 2. MEDICAID COVERAGE OF CASE-MANAGE-MENT SERVICES FOR INDIVIDUALS WITH TRAUMATIC BRAIN INJURIES.

- (a) IN GENERAL.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—
- (1) by striking "and" at the end of paragraph (21):
- (2) by striking the comma at the end of paragraph (24) and inserting a semicolon;
- (3) by redesignating paragraphs (22), (23), and (24) as paragraphs (25), (22), and (23), respectively, and by transferring and inserting paragraph (25) after paragraph (23), as so redesignated: and
- (4) by inserting after paragraph (23) the following new paragraph:
- "(24) case-management services for individuals who sustain traumatic brain injuries (in accordance with section 1931).".
- (b) CASE-MANAGEMENT SERVICES DE-SCRIBED.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end the following new section:

"CASE-MANAGEMENT SERVICES FOR INDIVIDUALS WITH TRAUMATIC BRAIN INJURIES

"SEC. 1931. (a) IN GENERAL.—For purposes of section 1905(a)(24), case management services for individuals who sustain traumatic brain injuries are services provided through a State case management program that meets the requirements of subsection (b) to an eligible individual (as defined in subsection (e)).

"(b) REQUIREMENTS FOR STATE CASE MAN-AGEMENT PROGRAMS.—

"(1) IN GENERAL.—A State case management program meets the requirements of this section if the program provides or arranges for the provision of the following services for eligible individuals:

"(A) Initial assessment of the individual's need for case management services, and, if the individual is an appropriate candidate for receiving case management services, an initial assessment of the individual's need for other services, with an emphasis on identifying community-based services required

to prevent institutionalization or minimize the need for residential rehabilitation.

"(B) Reassessment of each individual at regular intervals of at least every 3 months to determine the extent of each individual's progress, to ascertain whether an individual is being kept too long in a given setting or provided services inappropriately, or would be better served by other services or in another setting.

"(C) Preparation of a treatment plan for each individual requiring case management services, as soon as possible after the individual suffers the injury, based on consultation with the individual (other than an individual who is comatose) and any person named by the individual, except that preparation of the plan may be delayed (by one or more periods of no more than 15 days each) based on a certification, including a brief explanation of the reason for the delay, by a physician attesting that such a delay is in the individual's best interests; presentation of a copy of the treatment plan and any modifications to the plan to the individual or the individual's legal representative; and in the case of an individual who, at the time the individual sustains the traumatic brain injury, is not an eligible individual, preparation of such a treatment plan within 60 days after such individual becomes an eligible individual.

"(D) Regular update of each individual's treatment plan (based on consultation with the care provider, the individual and any person named by the individual) with data and information about treatments and services provided, as well as specific outcome measures of the individual's current performance or activity relative to goals previously established.

"(E) Assistance to the individual in obtaining services necessary to allow the individ-

ual to remain in the community.

"(F) Coordination of home care services

with other services.

"(G) As the individual's advocate, striving to obtain appropriate, accessible, and cost-effective services.

"(H) Recommendation of the approval or denial of the use of funds provided under the State plan for medical assistance under this title to pay for home care services when home care services exceed limitations established by the State coordinator (described in subsection (f)), in accordance with standards established by the State coordinator.

"(I) Assessment of the individual's need for and level of home care services at appropriate intervals during the course of the individual's treatment under the program.

"(J) Recommendation of the approval or denial of the use of funds provided under the State plan for medical assistance under this title for out-of-State placements for residential rehabilitation services, in accordance with standards established by the State coordinator.

"(K) Ensuring that any residential setting or facility which provides services to individuals under the program meets the requirements applicable to nursing facilities under section 1919, in accordance with standards established by the State coordinator.

"(L) A complaint procedure, overseen by the State coordinator, regarding any treatment or service provided to an individual which provides that—

"(i) the complaint may be oral or in writing from the individual or any person named by the individual;

"(ii) the response may be to the individual or any person named by the individual;

"(iii) the confidentiality of the complainant shall be maintained;

"(iv) the investigation shall be completed within-

"(I) 30 days for a routine complaint.

"(II) 7 days for a complaint of abuse or neglect and

"(III) 24 hours if the individual's life or safety is immediately threatened; and

"(v) if the complaint is with respect to a publicly appointed case manager or case worker, substitution of such manager or worker is allowed.

"(2) COORDINATION AND ADMINISTRATION OF BENEFITS AND SERVICES.—In addition to carrying out the activities described in paragraph (1), a State case management program shall assist in ensuring that the eligible individual is referred and applies for other benefits (through cooperative agreements with agencies administering benefit programs) and services for which the individuals are eligible under other Federal, State, or local programs, including—

"(A) employment services, including vocational assessment, training, and placement, sheltered employment, and supported employment;

"(B) education benefits, including primary, secondary, and higher education programs;

"(C) services available under the Older Americans Act;

"(D) disability insurance under title II; and "(E) comprehensive services for independent living under title VII of the Rehabilitation Act of 1973.

"(c) SCOPE OF SERVICES PROVIDED .-

"(1) IN GENERAL.—An individual may receive the following services for which the individual is eligible, but such services shall be coordinated through a State case management program:

"(A) Acute rehabilitation services, focusing on intensive physical and cognitive restorative services in the early months following injury.

"(B) Subacute rehabilitation in either inpatient or outpatient settings.

"(C) Transitional living services to train the individual for more independent living, with an emphasis on compensating for the loss of skills which may not be restored.

"(D) Lifelong living services for individuals discharged from rehabilitation who require ongoing lifetime support.

"(E) Home Care, including comprehensive training for family or other informal caregivers.

"(F) Day treatment and other outpatient programs in nonresidential settings.

"(G) Independent living services to allow the individual to live at home with optimal personal control over services.

"(H) Behavior disorder treatment services to address or resolve patterns of behavior which prevent or hinder participation in active rehabilitation.

"(I) Respite and recreation services to aid the individual and members of the individual's family in adapting psychologically and environmentally to residual deficits resulting from brain injury.

"(J) Treatment for conditions related to alcoholism and drug dependency.

"(2) WAIVER OF LIMITATIONS UNDER STATE PLAN REQUIREMENTS.—To the extent necessary to carry out a treatment plan for an individual, a State case management program may waive restrictions on the amount, duration, and scope of services otherwise applicable under the State plan for medical assistance under this title, in accordance with standards established by the State coordinator.

"(d) ELIGIBILITY OF PROVIDERS OF SERV-ICES.—No living services may be provided to

or on behalf of any individual under this section unless there has been an agreement entered into between the State case management program with which the individual is enrolled and the entity providing such services that specifies the living services to be provided, the period of time over which such services will be provided, and the charges to the patient for providing such services.

"(e) ELIGIBILITY OF INDIVIDUALS TO RE-

CEIVE SERVICES .-

"(1) In general.—Subject to subsection (f), an individual is eligible to receive case-management services under this section if the individual is eligible to receive medical assistance under a State plan under this title, has suffered a traumatic brain injury, and is moderately or severely disabled.

"(2) TRAUMATIC BRAIN INJURY DEFINED.—In paragraph (1), the term 'traumatic brain injury' means a sudden insult or damage to the brain or its coverings caused by an external physical force which may produce a diminished or altered state of consciousness, and which results in a temporary or permanent impairment of cognitive or mental abilities or physical functioning or disturbance of behavioral or emotional functioning, but does not include any injuries of a degenerative or congenital nature.

"(3) DEFINITIONS RELATING TO MODERATELY

OR SEVERELY DISABLED INDIVIDUALS .-

"(A) In GENERAL.—In paragraph (1), the term 'moderately or severely disabled individual' means—

"(i) in the case of an individual 6 years of age or older, an individual who (without regard to income or employment status)—

"(I) needs substantial assistance or supervision from another individual with at least 2 activities of daily living (described in subparagraph (D));

"(II) needs substantial supervision due to cognitive or other mental impairment and needs substantial assistance or supervision from another individual with at least 1 activity of daily living or in complying with a daily drug regimen; or

"(III) needs substantial supervision from another individual due to behaviors that are dangerous (to the individual or others), dis-

ruptive, or difficult to manage; or

"(ii) in the case of an individual under 6 years of age, an individual who suffers from any medically determinable physical, cognitive, or other mental impairment of comparable severity to that which would make an individual 6 years of age or older meet the requirement of subclause (I), (II), or (III) of clause (f).

"(B) COMPARABLE SEVERITY DEFINED.—In subparagraph (A)(ii), the term 'comparable severity' means that a child's physical, cognitive, or other mental impairment or impairments so limit the child's ability to function independently, appropriately, and effectively, in an age-appropriate manner, that any impairments and limitations resulting from such mental impairment or impairments are comparable to those which would disable an adult.

"(C) DETERMINATIONS OF DISABILITY.—For purposes of this section, an individual is considered to be—

"(i) a moderately or severely disabled individual if there is an affirmative certification by the State case management program in effect for the individual;

"(ii) a moderately disabled individual if there is such an affirmative certification in effect and a determination by the State case management program that the individual has a moderate impairment; or

"(iii) a severely disabled individual if there is such an affirmative certification in effect

and a determination by the State case management program that the individual has a severe impairment.

"(D) ACTIVITY OF DAILY LIVING DEFINED.— Each of the following is an activity of daily living: bathing, dressing, transferring, toileting, and eating.

"(4) COVERAGE OF INDIVIDUALS UNDER DIS-ABILITY PROTECTIONS.—Individuals receiving services through a State case management program under this section shall be considered to be individuals with disabilities for purposes of the Americans With Disabilities Act.

"(f) STATE COORDINATOR .-

"(1) IN GENERAL.—In order for an individual to receive services under this section, an individual must reside in a State that has designated a State coordinator for traumatic brain injuries to establish policies and standards for providing services under this section, make necessary reports to the Secretary, supervise and coordinate services for individuals with traumatic brain injuries, and perform the duties described in this subsection and in subsection (g).

"(2) CONTRACTING WITH OTHER ENTITIES TO PROVIDE SERVICES.—The State coordinator may contract with qualified agencies or employ staff to provide services under this sec-

tion to eligible individuals.

"(3) PREVENTION OF TRAUMATIC BRAIN IN-JURY.—The State coordinator shall be responsible for a program of activities related to preventing and reducing the rate of trau-

matic brain injuries in the State.

"(4) Traumatic brain injury registry.— The State coordinator shall establish and maintain a central registry of individuals who sustain traumatic brain injury using standards established under section 2(c) of the Brain Injury Rehabilitation Quality Act of 1992 in order to—

"(A) collect information to facilitate the development of injury prevention, treatment, and rehabilitation programs; and

"(B) ensure the provision to individuals with traumatic brain injury of information regarding appropriate public or private agencies that provide rehabilitative services so that injured individuals may obtain needed service to alleviate injuries and avoid secondary problems, such as mental illness and chemical dependency.

"(5) NOTIFICATION OF INJURIES TO JOB TRAIN-ING PROGRAMS.—Within a reasonable period of time after receiving a report that an individual has sustained a traumatic brain injury or spinal cord injury, the coordinator shall notify the State agency responsible for jobs and training and shall include the individual's name and other identifying informa-

tion.

"(6) STANDARD FOR MARKETING OF BRAIN IN-JURY SERVICES.—The State coordinator, after consultation with the advisory committee established under paragraph (9), shall monitor standards established by the Secretary regarding the marketing of services (by hospitals and other providers) to any individual who has sustained traumatic brain injury or family members of such individual, and shall disseminate the standards to State case management programs, and shall furnish information on such standards to such individual and such family members at the earliest appropriate opportunity after such individual has sustained the injury. Such standards shall include (at a minimum) a rule prohibiting payments under a State case management program under this section for referring individuals to rehabilitation facilities.

"(7) STUDIES.—The State coordinator shall collect injury incidence information (includ-

ing the prevalence, prevention, and treatment of traumatic brain injury), analyze the information, and conduct special studies re-

garding traumatic brain injury.

"(8) DISSEMINATION OF DATA.—The State coordinator shall provide summary registry data to public and private entities to conduct studies using data collected by the traumatic brain injury registry established under paragraph (4). The State coordinator may charge a fee for all expenses associated with the provision of data or data analysis.

"(9) ESTABLISHMENT OF ADVISORY COMMITTEE.—The State coordinator shall establish an advisory committee (consisting of representatives of professionals who provide community-based services under this section and individuals with traumatic brain injuries and family members of such individuals to provide recommendations regarding the needs of individuals with traumatic brain injuries, provide advice on activities under paragraph (3), and assist in the establishment of marketing standards under paragraph (6).

"(10) PRIVACY.—Any data identifying specific individuals which is collected by or provided to the State coordinator may be used only for purposes of case management and rehabilitation and studies by the State coordinator, in accordance with rules adopted by

the State coordinator.

"(11) RULES.—The State coordinator shall adopt such guidelines by the Centers for Disease Control as are necessary to carry out this subsection. The rules must at a minimum define, but are not limited to—

"(A) the specific ICD diagnostic codes included in the definitions of traumatic brain

injury;

"(B) the type of data to be reported:

"(C) standards for reporting specific types of data;

"(D) the individuals and facilities required to report and the time period in which reports must be submitted; and

"(E) criteria relating to the use of registry data by public and private entities engaged in research.

"(g) ESTABLISHMENT OF REPORTING SYS-

"(1) IN GENERAL.—The State coordinator shall design and establish a reporting system which requires either the treating hospital, medical facility, or physician to report to the State coordinator within a reasonable period of time after the identification of any individual with ICD diagnostic codes (as defined under subsection (f)(11)(A)) treated for a traumatic brain injury in the State. The consent of the injured individual is not required.

"(2) REPORT.—A report under paragraph (1) shall include—

"(A) the name, age, and residence of the injured individual:

"(B) the date and cause of the injury;

"(C) the initial diagnosis; and

"(D) other information required by the State coordinator.

"(3) LIABILITY PROTECTION.—The furnishing of information pursuant to the system established under paragraph (1) shall not subject any individual or facility to any action for damages or other relief, provided that the individual or facility acted in good faith in furnishing the information.

"(h) BUDGET NEUTRALITY.—Any State which establishes a State case management program for case management services under this section and receives Federal payment with respect to such services may not increase the expenditure level for such services as of the date of the enactment of this sec-

tion (other than the expenditure of amounts described in section 2(e) of the Brain Injury Rehabilitation Quality Act of 1992). The Health Care Financing Administration may audit such State's records to ensure compliance with this subsection."

(c) STANDARDS FOR REPORTING DATA.—Not later than January 1, 1994, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control, shall establish standards for the reporting of data on traumatic brain injuries and the operation of registries of traumatic brain injuries for the use of State coordinators of traumatic brain injury case management services under section 1931 of the Social Security Act (as added by subsection (b)).

(d) CONFORMING AMENDMENT.—Section 1915(g)(2) of Social Security Act (42 U.S.C. 1396n(g)(2)) is amended by striking the period at the end and inserting the following: ", but does not include any services provided under

section 1931.".

(e) AUTHORIZATION OF APPROPRIATIONS.— There are authorized to be appropriated \$5,000,000 for each fiscal year beginning with fiscal year 1994 to carry out paragraphs (3) and (4) of section 1931(f) of the Social Security Act (as added by subsection (b)).

(f) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (d) shall apply to quarters beginning on or after January 1, 1994, regardless if regulations to carry out such amendments have been promulgated by such date.

SEC. 3. STUDY OF EFFECTIVENESS OF TRAU-MATIC BRAIN INJURY INTERVEN-TIONS.

(a) STUDY.—The Administrator for Health Care Policy and Research shall conduct a study to identify common therapeutic interventions which are used for the rehabilitation of traumatic brain injury patients, and shall include in the study as analysis of—

(1) the effectiveness of each such intervention in improving the functioning of brain

injury patients; and

(2) the comparative effectiveness of interventions employed in the course of rehabilitation of brain injury patients to achieve the same or similar clinical outcome.

(b) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Administrator for Health Care Policy and Research shall submit a report on the study conducted under subsection (a) to the Con-

(c) AUTHORIZATION OF APPROPRIATIONS.— There are authorized to be appropriated \$2,000,000 for each fiscal year beginning with fiscal year 1993 and ending with fiscal year 1996 to carry out this section.

SUMMARY OF THE BRAIN INJURY REHABILITATION QUALITY ACT OF 1992

Allows optional Medicaid coverage of case-management services for individuals with traumatic brain injury [TBI] as long as the total cost of the new program does not exceed current state expenditures for the care of individuals with TBIs. Case managers would assess, plan, and coordinate a broad range of services while making sure that the best value and highest quality care is achieved for every public dollar spent. Greater emphasis would be placed on home and community based settings, rather than more costly and, sometimes inappropriate, residential care settings.

ELIGIBILITY

Individuals who sustain damage to the brain caused by an external physical force if they have:

A temporary or permanent physical impairment and need assistance with at least 2 activities of daily living; or A temporary or permanent cognitive impairment and need assistance with at least 1 activity of daily living; or

Exhibit temporary or permanent behaviors which are dangerous, disruptive, or difficult to manage.

ADMINISTRATIVE CASE MANAGERS AND SCOPE OF SERVICES

Case managers are responsible for regular assessment and development of individual care plans; identifying and approving home care and residential rehabilitation services; and assisting individuals in obtaining services. Case managers may waive Medicaid requirements on the amount, duration, and scope of services on a case-by-case basis.

Scope of services include: acute and subacute care; transitional living; life-long home care; day treatment; independent living; behavior disorder treatment; respite and recreation services; and alcohol and drug abuse treatment.

STATE TBI COORDINATORS

Would establish policies and standards for providing services with the assistance of an Advisory committee that would include memberships of relevant professionals and individuals with TBI or their families.

Contract for state-wide services with qualified agencies and notifies job training programs of the need for certain services.

Develop prevention programs and research studies to reduce the incidence of TBI.

Establish a central registry and reporting system for TBIs, including disseminating information to the public on the extent of head injury in the state.

Disseminate standards developed by the Secretary of HHS for marketing TBI services

Monitor complaints on any treatment or service provided to an individual with TBI.

NATIONAL TBI REGISTRY

Requires the Center for Disease Control to develop standards for the reporting of data on TBIs and the operation of state TBI registries.

EFFECTIVENESS STUDY

Requires the Agency for Health Care Policy and Research to conduct a study of the effectiveness of interventions in improving the functioning of brain injured patients.

Mr. DURENBERGER. Mr. President, I am pleased to join my colleague from West Virginia, JAY ROCKEFELLER, in sponsoring this bill to improve the care provided under Medicaid to people who have sustained a traumatic brain injury.

Perhaps our best-known brain-injured citizen is former White House Press Secretary Jim Brady, who almost died in the 1981 attempt on President Reagan's life. But every day thousands of Americans sustain such an injury. A car hits a telephone pole, a child falls down stairs, a woman is attacked—and someone's life changes instantly. Over 500,000 people a year are hospitalized with brain injuries; about 80,000 of them are permanently disabled. Many thousands more must undergo months of recovery.

People with brain injuries like to call themselves "survivors." It's an apt word. Often, the initial trauma results in physical and mental problems that persist for months, years or decades. Often, as Jim Brady has had to do, the survivor must undergo years of physical therapy to regain some control over his or her own body. Brain injuries also can cause changes in personality, in emotions and in one's ability to handle what had been the simplest intellectual tasks.

Since the injuries result in both physical and mental changes, care provided to survivors is complex and costly, averaging \$100,000 to \$350,000 a year for people with moderate to severe injuries. Many survivors are teenagers or young adults when injured; their bills will mount, year after year. People exhaust their insurance coverage—if they have it—and then are forced onto Medicaid.

Far too often, the health-care system doesn't really know how to treat the brain-injured. They have physical needs, but they also can have intellectual impairment and hard-to-manage behaviors. The result is that survivors often are inappropriately housed with the mentally ill in psychiatric wards, with senior citizens in nursing homes or with the developmentally disabled in State institutions. They can even end up in jail. Such institutionalization is not only poor treatment; it also is extremely costly.

Mr. President, this bill will improve the care our society provides to survivors in brain injuries in several ways:

First, it establishes a central registry of traumatic brain injuries, with the Centers for Disease Control setting national standards for reporting data. We must learn more about the causes, characteristics and prevalence of traumatic brain injury.

Second, it requires action to prevent traumatic brain injury and mandates research by the Federal Government into the most effective ways to help these people recover from their injuries.

Third and most important, it allows State Medicaid programs to set up case-management systems in which coordinators may authorize exceptions to Medicaid rules on a case-by-case basis so that the survivor may receive the most appropriate care.

Case managers will guide the patient through the maze of institutional arrangements, rehabilitation programs, transitional living programs, home care, adult day care and so forth. They also will help their clients use other government programs, such as job training and social services.

There is an important restriction, though: These State case management systems may not spend more money in total than is now being spent on these

patients.

A pilot program in Minnesota has had no trouble achieving this goal; just reducing inappropriate institutionalization has generated net savings of about \$1.4 million a year.

In a typical case in Minnesota, a brain-injured patient was in an acute-

care psychiatric ward at a cost of \$300 a day. The program arranged the patient's transfer to a skilled nursing facility, saving \$23,700 over a 92-day stay and providing the patient with more appropriate care.

In another case, a patient was about to be placed in a skilled nursing facility at a cost of \$1,540 a month. Instead, the program arranged for the patient to remain at home with visits from a personal care attendant and a psychologist, resulting in savings of \$1,300 a month.

By paying attention to these individual cases, the Minnesota program also has reduced the numbers of patients placed in out-of-State institutions, a particularly troublesome problem in some States. These institutions can be very high cost, yet in many States the Medicaid Program does little more than pay the bill.

Mr. President, this bill would result in both wiser use of Medicaid dollars and in better care for the patient. It is one way, and an important way, in which we can improve the productivity of the health-care system by doing more without spending more.

Before I yield the floor, I would like to acknowledge the efforts of Senator ROCKEFELLER, Senator KENNEDY and Representative RON WYDEN and those of their staffs. Mr. WYDEN and the staff of his Subcommittee on Regulation, Business Opportunities and Energy in particular did very useful research on this topic.

By Mr. KERRY:

S. 3003. A bill to amend the Marine Mammal Protection Act of 1972 to authorize the Secretary of the State to enter into international agreements to establish a global moratorium to prohibit harvesting of tuna through the use of purse seine nets deployed on or to encircle dolphins or other marine mammals, and for other purposes; to the Committee on Commerce, Science, and Transportation.

INTERNATIONAL DOLPHIN CONSERVATION ACT

Mr. KERRY. Mr. President, I am today introducing legislation calling for a global moratorium on fishing practices that cause the slaughter of dolphins in the course of commercial tuna fishing operations. In so doing, I seek to make good on the 20-year-old promise of the Marine Mammal Protection Act [MMPA] to reduce the mortality of marine mammals in the course of fishing operations to incidental levels, approaching zero.

For reasons that no one fully understands, schools of large yellowfin tuna associate with schools of dolphins in the eastern tropical Pacific Ocean [ETP] off the coasts of southern Califonia and Central and South America. Since the late 1950's fishermen have deployed large purse seine nets around the schools of dolphin in order to harvest the tuna swimming

beneath. Despite efforts by fishermen to release the encircled dolphins, some become trapped in the nets and drown. This phenomenon was one of the major problems the MMPA was enacted to address in 1972, but it has persisted-al-

though reduced in scope—ever since.
The International Dolphin Conservation Act recognizes that domestic action alone is not sufficient to end the killing of dolphins. Throughout the past decade, the primary responsibility for dolphin mortality has rested with the foreign flag fishing fleets of Mexico, Venzuela, Vanuatu, and elsewhere. Accordingly, the new bill provides incentives for foreign nations to agree to a moratorium of at least 5 years on the commercial harvestof tuna using methods that endanger dolphins. Indeed, under the bill, any nation continuing to kill dolphins intentionally would be barred from importing many of its fish and fish products to the United States.

This action has been made necessary by the failure of the MMPA to achieve fully its goal of ending the needless destruction of marine mammals. Over the past 20 years, more than 1 million dolphins have been killed in fishing nets intentionally deployed to encicrle them. Throughout this period, serious and well-intentioned efforts have been made to reduce dolphin mortality through improved fishing methods and at-times heroic measures to rescue marine mammals entangled or trapped in the nets. The America tuna industry led this effort. As a result, the number of dolphins killed by U.S. tuna fishermen in the ETP dropped from 360,000 in 1972 to an annual quota of less than 20,000 throughout the 1980's. Foreign fleets, however, killed more than 112,000 dolphins in 1986 alone.

In 1988, Congress acknowledged the international nature of the problem by requiring tough and enforceable trade sanctions against any nation that fails to adopt dolphin-protection procedures comparable to those used in the ETP by the U.S. fleet. These changes resulted in improved efforts by the foreign fleet to protect dolphins and reduced the number killed to an estimated 25,000 in 1991.

Despite the progress, however, it is clear that the promise of reducing dolphin mortality to incidental levels, approaching zero is not being achieved. The fact is that this goal can probably never be achieved as long as fishermen continue to deploy nets intentionally around large schools of dolphins.

The tuna industry, foreign and domestic, has expressed a continued commitment to reducing dolphin mortality further through more careful methods, enforcement, incentives skippers, and prohibitions on setting for tuna at sundown, when the greatest number of deaths occur. This has not proven sufficient, however, to ease public concern about the issue.

In April 1990, the three principal American tuna processing companies, Starkist, Van Camp—Chicken of the Sea—and Bumblebee announced that they would stop canning tuna caught in association with dolphin, and begin labeling their tuna products with dol-phin-safe symbols. This voluntary action has limited the American market for canned tuna almost exclusively to that which is considered dolphin-safe. It has also virtually ended major American participation in the tuna fishery in the ETP. The small tuna fleets of Panama and Ecuador, moreover, are now committed to a dolphinsafe policy and pressure is building in Europe to limit the tuna market there to dolphin-safe products, as well.

The bill I am introducing today is similar to legislation introduced in the House of Representatives by my colleague from Massachusetts, Representative GERRY STUDDS, and approved earlier this month by the House Committee on Merchant Marine and Fisheries. The bill recognizes that the past strategy of trying to reduce dolphin mortality while continuing to fish for tuna in association with dolphin is no longer sufficient. It recognizes, as well, the American interest in bringing foreign fishing conservation practices up to a standard comparable to those which we require of our own fishing fleet. Finally, it recognizes that we have today the best opportunity we will ever have to obtain a strong and binding international agreement on this issue; an agreement that I hope and believe could end the avoidable killing of dolphins in commercial fishing operations promptly, permanently and globally.

The timing of the bill is important because current provisions of the MMPA have resulted in an embargo of tuna and tuna products from Mexico and Venezuela, two of the most prominent foreign fleets operating in the ETP. Mexico, in particular, is interested in improving its overall trade relationship with the United States and in demonstrating a positive approach international environmental and conservation issues. As a result, the United States Department of State believes it is realistic to think that Mexico will agree to a moratorium on fishing for tuna in association with dolphin, in return for a lifting of the current embargo. Obtaining such an agreement is the only practical way to be sure that further progress toward reduced dolphin mortality will occur, and that the original objectives of the MMPA are achieved.

I want to stress the compromise nature of this legislation. It is not aimed simply at making a statement or sending a message. It is aimed at getting results. The bill reflects our best effort to synthesize the ideas and views of a variety of executive agencies, environmental organizations and tuna processors about how best to assure that positive results are indeed achieved.

Under the proposed bill, Mexico and other nations operating in the ETP would not be subject to trade sanctions as long as they continue to reduce dolphin mortality between now and March 1. 1994, and agree to suspend fishing on dolphin completely for a period of at least 5 years after that date. This arrangement allows time for negotiations and for fishermen in the region to adjust, while maintaining pressure for reductions in dolphin kill and requiringin less than 2 years—a halt to the practice that has killed so many marine mammals over the past 30 to 35 years. Failure by a nation to live up to commitments made to the United States on this issue will result in sanctions that are stronger than those imposed by current law. These include a ban on the importation of all tuna products, a ban on at least 40 percent of all fish and fish products and potentially a

total ban of fish products.

I am aware that the commercial west coast tuna fishing industry will oppose this bill, just as it has opposed efforts in the past to enact and strengthen the provisions of the MMPA. I understand this and cannot criticize the industry for seeking to protect its own interests. But the fact is that the major American tuna processors have already made it clear that business as usual in the ETP is no longer acceptable. As I have said, since April 1990, the three major processors for the American market have refused to purchase tuna for canning that is not dolphin-safe. European governments and processors seemed poised to follow their lead. These actions, not any dictate of Congress, has caused the reduction in the size of the U.S. fleet operating in the ETP and created serious problems for the foreign boats that still fish tuna in

association with dolphins.

It is argued by some in the industry that fishing on dolphin is the only economic way to catch large yellowfin tuna, but the fact is that other methods have not seriously been tried-at least not recently. Past industry and government sponsored research efforts have focused primarily on refining current fishing methods, rather than developing new ones. Even a recent study by the National Academy of Sciences, which included some research into alternative fishing techniques, can only be considered a starting point. A moratorium on dolphin-unsafe methods, accompanied by intensive research into dolphin-safe practices should make it clear within a matter of years whether a viable, dolphin-safe fishery for large yellowfin in the ETP can be established. If that were to occur, Americans would have an opportunity to reenter the fishery in a major way, thereby creating hundreds or thousands of new jobs for American workers in fishing, ship repair, processing and marketing.

In the past, spokesmen for the tuna industry have also criticized the emotional nature of the concern expressed by the public, and reflected in restrictions placed in the law, about the tunadolphin issue. These spokesmen have argued that the overall viability of dolphin populations are not endangered by the yellowfin tuna harvest and that precautions currently in place guarantee that this will continue to be the case. All that is probably true. The problem is that the killing of dolphins in the course of tuna fishing operations is different from the incidental taking of marine mammals in other fisheries. In other cases, the killing is accidental. In the case of tuna fishing in the ETP. it results from the intentional deployment of nets among large numbers of dolphins-that makes the killing inevitable.

Critics of the MMPA have long asked why, with all the other tragedies in the world, so much attention has been given to the killing of dolphins. Why, after all, do we care? Millions of animals are killed for food every day. Some marine mammals are killed accidentally in almost every kind of fishery. Why is this one different?

The answer, it seems to me, is that human beings have always felt a special sense of kinship and wonder toward the dolphin, because of its beauty, its grace and its proven intelligence. Plutarch, of all people, wrote more than 2000 years ago that:

To the dolphin alone nature has given that which the best philosophers seek: friendship for no advantage. Though it has no need for help of any man, yet it is a genial friend to all and has helped man.

Killing an animal for food or for clothing is not the same as killing a dolphin simply for being in the way. Injuring a marine mammal by accident is not the same as deploying nets that you know in advance will surround and likely kill dolphins. The premise of the legislation I am introducing today is that we may be able to find a way once again to harvest large yellowfin tuna in the ETP without knowingly slaughtering dolphins. If we can, that will be good for the dolphin; it will be good for American fishermen; it will benefit our economy; it will ease diplomatic tensions; and it will end a controversy that has been a source of conflict between the Pacific tuna industry and the environmental community for more than two decades.

Given the persistent mystery of the relationship that binds dolphins and large yellowfin tuna in the ETP, there is no way that we can guarantee in advance that this approach will succeed in achieving fully each of its intended goals. But we do know that the current approach is not working economically, diplomatically or ecologically. And we know that the approach put forward in this legislation reflects the broadest degree of consensus that has ever been achieved on this issue.

After two decades of accepting half measures, I believe that the time has

come to restore meaning to the original objectives of the MMPA; to move forward aggressively both domestically and internationally; to get a real research program underway; and to end once and for all the stale debates and controversies that have divided and discouraged in the past.

I ask unanimous consent that the text of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3003

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Dolphin Conservation Act of 1992". SEC. 2. GLOBAL MORATORIUM TO PROHIBIT CER-TAIN TUNA HARVESTING PRAC-TICES.

(a) IN GENERAL.—The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended by adding at the end the following new title:

"TITLE III—GLOBAL MORATORIUM TO PROHIBIT CERTAIN TUNA HARVESTING PRACTICES

"SEC. 301, FINDINGS AND POLICY.

"(a) FINDINGS.—The Congress finds the following:

"(1) The yellowfin tuna fishery of the eastern tropical Pacific Ocean has resulted in the deaths of millions of dolphins.

"(2) Significant awareness and increased concern for the health and safety of dolphin populations has encouraged a change in fishing methods worldwide.

"(3) United States tuna fishing vessels have led the world in the development of fishing methods to reduce dolphin mortalities in the eastern tropical Pacific Ocean and United States tuna processing companies have voluntarily promoted the marketing of tuna that is dolphin safe.

"(4) Nations harvesting yellowfin tuna in the eastern tropical Pacific Ocean have indicated their willingness to participate in appropriate multilateral agreements to reduce, and eventually eliminate, dolphin mortality in that fishery.

"(5) Nations harvesting tuna outside of the eastern tropical Pacific Ocean have indicated their willingness to participate in an observer program.

"(b) POLICY.—It is the policy of the United States to—

"(1) eliminate the marine mammal mortality resulting from the intentional encirclement of dolphins and other marine mammals in tuna purse seine fisheries;

"(2) secure appropriate multilateral agreements to reduce, and eventually eliminate, the mortality referred to in paragraph (1);

"(3) ensure that the market of the United States does not act as an incentive to the harvest of tuna caught in association with dolphin or with driftnets:

"(4) secure appropriate multilateral agreements to ensure that United States tuna fishing vessels shall have continued access to productive tuna fishing grounds in the South Pacific Ocean and elsewhere; and

"(5) encourage observer coverage on purse seine vessels fishing for tuna outside of the eastern tropical Pacific Ocean.

"SEC. 302. INTERNATIONAL AGREEMENTS TO ES-TABLISH GLOBAL MORATORIUM TO PROHIBIT CERTAIN TUNA HARVEST-ING PRACTICES.

"(a) In General.—The Secretary of State, in consultation with the Secretary, may enter into international agreements which establish, in accordance with this title, a global moratorium of at least 5 years' duration to prohibit harvesting tuna through the use of purse seine nets deployed or to encircle dolphins or other marine mammals.

"(b) TERMS OF AGREEMENT.—Any agreement entered into under this section shall—

"(1) establish a moratorium described in subsection (a) which takes effect on March 1, 1994:

"(2) include an international research program and, notwithstanding the moratorium, authorize harvesting of tuna under that program;

"(3) provide for reviews and reports in accordance with section 304 on results of research conducted under the research program;

"(4) require each nation that is a party to the agreement to take all the necessary and appropriate steps to ensure compliance with the moratorium; and

"(5) encourage each nation that is a party to the agreement to seek, through bilateral and mutilateral negotiations, to encourage other nations that participate in fisheries to which the agreement applies to become parties to the agreement.

"(c) COMPLIANCE BY UNITED STATES WITH MORATORIUM.—The moratorium authorization under subsection (a) may be terminated prior to December 31, 1999, with respect to the United States for the harvesting of tuna in the eastern tropical Pacific Ocean only

"(1) the Secretary submits to the Congress in accordance with section 304(b) a recommendation that the moratorium be terminated; and

"(2) the recommendation is approved by a joint resolution of either House of the Congress.

SEC. 303. RESEARCH PROGRAMS.

"(a) IN GENERAL.—Any agreements or undertakings pursuant to this title shall—

"(1) establish an international research program to develop methods of fishing for large yellowfin tuna—

"(A) without setting nets on dolphins or other marine mammals; or

"(B) by setting nets on dolphins or other marine mammals with zero set-caused mortality:

"(2) require that proposals for research under the program be reviewed and authorized by a competent regional organization; and

"(3) require that research under the program be conducted by dedicated vessels that—

"(A) are authorized to conduct that research by a competent regional organization; and

"(B) have on board an observer who is responsible to, and supervised by, a competent regional organization.

"(b) Limitations on Dolphin Mortality.— For the eastern tropical Pacific Ocean, an agreement entered into under section 302

shall require that—
"(1) the total number of research sets on dolphins conducted pursuant to this section during the period beginning March 1, 1994, and ending December 31, 1999, shall not exceed 400 annually, and the total annual dol-

phin mortality shall not exceed 1,000; "(2) the Inter-American Tropical Tuna Commission shall establish a panel to review

and report on the compliance of the international yellowfin tuna fishery fleet with the limits established in paragraph (1) and make recommendations as appropriate; and "(3) the Inter-American Tropical Tuna

the Inter-American Tropical Commission shall establish an Advisory Board of technical specialists from the international communities of scientists, governmental agencies, environmental groups, and the fishing industry, to assist that commission in efforts to coordinate, facilitate, and guide research.

(c) FUNDING .

"(1) IN GENERAL.—An agreement entered into under section 302 shall establish fair and equitable mechanisms for funding research conducted pursuant to this section.

"(2) PROCEEDS OF RESEARCH HARVESTS .- An agreement entered into under section 302 shall provide that the proceeds of any tuna harvested for the purpose of research conducted pursuant to this section should, to search conducted pursuant to this section.

"(3) LIMITATION ON USE OF UNITED STATES FUNDING .- Funding provided by the United States for research shall be used only for the purpose of developing methods of fishing for large yellowfin tuna that do not involve intentionally encircling dolphins or other marine mammals.

'(d) REVIEW OF RESEARCH PROPOSALS.—The Marine Mammal Commission shall-

"(1) review all research proposals submitted to the Inter-American Tropical Tuna

Commission; and '(2) recommend an appropriate response to each of those proposals, to the United States Commissioners on the Inter-American Tropi-

cal Tuna Commission. SEC. 304. REVIEWS, REPORTS. AND REC-OMMENDATIONS.

"(a) REPORTS BY THE SECRETARY.—The Secretary shall include in the annual reports required under section 103(f)-

"(1) results of research conducted pursuant to section 303;

"(2) a description of the status of stocks of yellowfin tuna;

'(3) an assessment of the economic impacts on the United States tuna industry and consumers caused by agreements entered into under section 302;

"(4) an assessment of the effectiveness of the agreements in protecting dolphin populations in the eastern tropical Pacific Ocean:

(5) results of reviews conducted under section 305(c);

"(6) copies of any international agreements or undertakings authorized by or related to this title:

'(7) an assessment of the impact of fishery resources, other than vellowfin tuna, of methods of fishing for large yellowfin tuna in the eastern tropical Pacific Ocean that do not involve the intentional encirclement of dolphins; and

(8) any other relevant information.

SEC-"(b) RECOMMENDATIONS OF THE SEC-RETARY.—If a competent regional organization under the auspices of which research is conducted pursuant to section 303, or any nation which participates in such an organization, submits to the United States a recommendation that a moratorium established by an agreement under section 302 should be terminated prior to December 31, 1999, the Secretary shall-

"(1) review the information on which the

recommendation is based;

"(2) consult with relevant Federal agencies, including the Marine Mammal Commission, and other interested persons; and

'(3) submit to the Congress a recommendation regarding the termination of the moratorium.

"SEC. 305. INTERNATIONAL COMMITMENTS

"(a) LIMITATION ON APPLICATION OF BAN ON IMPORTS.-Except as provided in subsection (b), the Secretary of the Treasury shall not. under section 101(a)(2)(A) and (B), ban the importation of yellowfin or yellowfin tuna products from a nation that transmits to the Secretary of State a formal communication in which the nation commits to-

"(1) implement a moratorium of at least 5 years' duration beginning March 1, 1994, on the practice of harvesting tuna through the use of purse seine nets deployed on or to encircle dolphins or other marine mammals unless the moratorium is terminated with respect to the United States in accordance with section 302(c);

"(2) require an observer on each vessel of the nation larger than 400 short tons carrying capacity which engages in purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean, and ensure that at least 50 percent of all such observers are responsible to, and supervised by, a competent regional organization:

"(3) reduce the dolphin mortality resulting from purse seine net operations conducted by vessels of the nation in 1992 to a level that is lower than such mortality in 1991 by a statis-

tically significant margin; and

"(4) reduce the dolphin mortality resulting from purse seine net operations conducted by vessels of the nation in the period beginning January 1, 1993, and ending February 28, 1994, to a level that is lower than such mortality in 1992 by a statistically significant margin.

"(b) SUBSEQUENT BAN ON IMPORTS FOR FAIL-URE TO COMPLY WITH COMMITMENTS.

"(1) TUNA AND TUNA PRODUCTS.-The Secretary, in consultation with the Secretary of State, shall periodically determine whether a nation which has transmitted a formal communication expressing the commitments described in subsection (a) is fully implementing those commitments. If the Secretary determines that such a nation is not implementing those commitments

"(A) the Secretary shall notify the President and Congress of that determination;

and

"(B) 15 days after such notification, the Secretary of the Treasury shall, under section 101(a)(2), ban the importation from that nation of all yellowfin tuna and yellowfin tuna products.

"(2) OTHER FISH AND FISH PRODUCTS.-The Secretary of the Treasury shall ban the importation from a nation of fish and fish products (other than yellowfin tuna and yellowfin tuna products) whose aggregate value is at least 40 percent of the aggregate value of all fish and fish products (other than yellowfin tuna and yellowfin tuna products) imported from that nation during the year prior to the year in which the ban is initiated, if-

"(A) the nation does not, within 60 days after the establishment with respect to the nation of a ban on importation pursuant to paragraph (1)(B), certify and provide reasonable proof to the Secretary that the nation has fully implemented the commitment described in subsection (a)(1) or has taken the necessary actions to remedy its failure to comply with the commitments described in subsections (a) (2), (3), and (4); and

"(B) the Secretary does not, before the end of that 60-day period, certify to the President that the nation has provided such certification and proof.

"(3) CERTIFICATION UNDER THE FISHERMEN'S PROTECTION ACT.—The failure of the Secretary to make the certification to the President under paragraph (2)(B) shall be deemed a certification under section 8(a) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)).

"(4) DURATION OF BAN .- A ban on importation established under paragraph (1) or (2) with respect to a nation shall continue in effect until the Secretary determines that the country is implementing the commitments described in subsection (a).

"(c) REVIEWS AND REPORTS.-The Secretary, in consultation with the Secretary of

State, shall-

'(1) periodically review the activities of nations which have transmitted to the Secretary of State formal communications expressing the commitments described in subsection (a), to determine whether those nations are complying with those commitments; and

"(2) include the results of those reviews in annual reports submitted to the Congress

pursuant to section 304(a).

"SEC. 306. PERMITS FOR TAKING DOLPHINS.

"(a) ADDITIONAL RESTRICTIONS UNDER GEN-PERMIT.—Notwithstanding section 104(h), the general permit issued to the American Tunaboat Association on December 1, 1980, shall be subject to the following additional restrictions:

"(1) Total dolphin mortalities (including mortalities resulting from research) shall not exceed 1,000 during the period beginning January 1, 1992, and ending December 31, 1992, and 800 during the period beginning January 1, 1993, and ending March 1, 1994.

'(2) No pause seine net may be deployed on or used to encircle any school of dolphin in which eastern spinner dolphin (Stenella longirostris) or coastal spotted dolphin (Stenella attenuata) are observed prior to release of the net skiff.

"(3) The general permit shall expire March

"(b) PERMITS REQUIRED FOR TAKING DOL-PHINS FOR RESEARCH PURPOSES .- An international agreement under section 302 shall not supersede or be interpreted to supersede any provision of this Act under which a permit under this Act is required for activities conducted pursuant to this title.

"SEC, 307, PROHIBITIONS.

"(a) IN GENERAL.—It is unlawful—"(1) for any person, after June 1, 1994, to sell, purchase, offer for sale, transport, or ship, in the United States, any tuna or tuna product that is not dolphin safe;

"(2) for any person or vessel that is subject to the jurisdiction of the United States, intentionally to set a purse seine net on or to encircle any marine mammal during any tuna fishing operation after February 28, 1994 except-

'(A) as necessary for scientific research approved by the Inter-American Tropical Tuna Commission; or

"(B) in accordance with a recommendation that is approved under section 302(c)(2);

'(3) for any person to violate any regula-

tion promulgated under this title:

'(4) for any person to refuse to permit any duly authorized officer to board a vessel subject to that person's control for purposes of conducting any search or inspection in connection with the enforcement of this Act;

"(5) for any person to assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search or inspection described in paragraph (4).

'(b) PENALTY.-A person who knowingly and willfully violates subsection (a) shall be subject to the civil and criminal penalties described in section 105 (a) and (b), respec"(c) CIVIL FORFEITURES.—Any vessel (including its fishing gear, appurtenances, stores, and cargo) used, and any fish (or its fair market value) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by this section shall be subject to forfeiture to the United States in the manner provided in section 310 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1860).

"(d) DOLPHIN SAFE TUNA .- For purposes of this section, tuna or a tuna product is dol-

phin safe if-

"(1) it does not contain tuna that was harvested on the high seas by a vessel engaged in driftnet fishing, as that term is defined in section 4003 of the Driftnet Impact, Monitoring. Assessment, and Control Act of 1987 (16 U.S.C. 1822 note):

"(2) in the case of tuna or a tuna product that contains tuna harvested in the eastern tropical Pacific Ocean, it is dolphin safe under subsection (d)(2) of the Dolphin Protection Consumer Information Act (16 U.S.C.

1385(d)(2)); and

"(3) in the case of tuna or a tuna product that contains tuna harvested outside the eastern tropical Pacific Ocean by a purse seine vessel, it is accompanied by a written statement executed by the captain of the vessel and, in the case of tuna harvested with an observer present, by the observer, certifying that no purse seine net was intentionally deployed on or to encircle dolphins during the particular voyage on which the tuna was harvested.

"SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

(a) "There are authorized to be appropriated to the National Marine Fisheries Service for carrying out section 303, \$3,000,000 for each of the fiscal years 1993, 1994, 1995, 1996, 1997, and 1998.".

(b) CLERICAL AMENDMENT.—The table of contents at the end of the first section of the Marine Mammal Protection Act of 1972 is amended by adding at the end the following:

"TITLE III-GLOBAL MORATORIUM TO PROHIBIT CERTAIN TUNA HARVESTING PRACTICES

"Sec. 301. Findings and policy.

"Sec. 302. International agreement to establish global moratorium to prohibit certain tuna harvesting practices.

"Sec. 303. Research program.

- "Sec. 304. Reviews, reports, and recommendations.
- "Sec. 305. International commitments.
- "Sec. 306. Permits for taking dolphins.

"Sec. 307. Prohibitions.

- "Sec. 308. Authorization of appropriations.".
- (c) DEFINITIONS.-Section 3 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362) is amended by adding at the end the following new paragraph:

"(15) The term 'fishery' means-

"(A) one or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics: and

"(B) any fishing for such stocks.

"(16) The term 'competent regional organization' means-

"(A) an organization consisting of those nations participating in a tuna fishery, the purpose of which is the conservation and management of that fishery and the management of issues relating to that fishery; and

"(B) for the tuna fishery in the eastern tropical Pacific Ocean, means the Inter-American Tropical Tuna Commission.

"(17) The term 'intermediary nation' means a nation that exports yellowfin tuna or yellowfin tuna products to the United States and that imports yellowfin tuna or yellowfin tuna products that are subject to a direct ban on importation into the United States pursuant to section 101(a)(1)(2)(B). If such nation certifies and provides reasonable proof to the Secretary that it has not imported, within the preceding six months, any yellowfin tuna or yellowfin tuna products that are subject to such a direct ban on importation to the United States, the Secretary shall, as soon as practicable after receiving complete information regarding certification and proof, make an affirmative finding that such nation does not constitute an intermediary nation for purposes of this paragraph."

SEC. 3. AMENDMENTS TO TUNA CONVENTIONS ACT OF 1950 AND SOUTH PACIFIC TUNA ACT OF 1988

(a) Tuna Conventions Act of 1950 .- (1) Section 3 of the Tuna Conventions Act of 1950 (16 U.S.C. 952) is amended—

(1) by striking "and" at the end of subsection (b):

(2) by striking the period at the end of subsection (c) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new

subsection:

"(d) at least one shall be chosen from a organizanongovernmental conservation tion.

(2) Section 4 of the Tuna Conventions Act of 1950 (16 U.S.C. 953) is amended by inserting "and from nongovernmental conservation organizations," immediately after "under the conventions,"

(b) SOUTH PACIFIC TUNA ACT OF 1988.—Section 20(a) of the South Pacific Tuna Act of 1988 (16 U.S.C. 973r(a)) is amended by striking "1988, 1989, 1990, 1991, and 1992" each place it appears and inserting in lieu thereof "1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, and 2002"

By Mr. SANFORD:

S. 3004. A bill to provide for the liquidation or reliquidation of a certain entry of warp knitting machines as free of certain duties; to the Committee on Finance.

WARP KNITTING MACHINES IMPORTATION DUTIES • Mr. SANFORD. Mr. President, I rise today to introduce legislation that would correct an error made against a small business in North Carolina.

This business imported four warp knitting textile machines made in Germany. The machines were properly classified under the Harmonized Tariff Schedule and admitted under the correct duty-free heading. The company then exported the machines through a third party in Miami to a Venezuelan company, with the understanding that the machines would be returned if the company could not operate them. This, in fact, is what occurred; however the machines were improperly classified upon re-entry causing the machines to carry a 4.4-percent duty. Not well versed in the bureaucratic procedures. the small company protested the assessment of the new duty, but did so, according to Customs, in an insufficient and untimely manner. Now, the company owes approximately \$25,000 in

duty with interest accruing daily, and will be placed on a sanctions list if it is not paid, effectively inhibiting its ability to do business. Litigating this matter would do more harm than good and the company cannot afford to absorb this loss.

Customs admits that when all of the facts were sorted out, that a duty should not have been imposed on the warp knitting machines. However, there is no appropriate relief other than this type of legislation.

As a matter of fairness and equity I urge my colleagues to support inclusion of this relief in any miscellaneous tariff legislation the Congress may

adopt.

By Mr. SANFORD:

S. 3005. A bill to continue the reduction of duties under the Harmonized Tariff Schedule of the United States on gripping narrow fabrics of man-made fibers; to the Committee on Finance.

DUTY REDUCTION ON CERTAIN MAN-MADE FIBERS • Mr. SANFORD. Mr. President, I rise today to introduce an extension of a duty reduction on gripping narrow fab-

rics of man-made fibers.

Aplix, Inc. is a small manufacturer employing approximately 150 production workers in North Carolina. This company specializes in the production of specialty fabric fasteners best know by the trade name of one of its com-

petitors, Velcro.

Last Congress I introduced a bill that temporarily corrected an error in the conversions of the Tariff Schedules of the United States [TSUS] to the Harmonized Tariff Schedule of the United States [HTSUS]. This bill reduced the duty paid by Aplix under the HTSUS-9.5 percent ad valorem—on certain gripping narrow fabrics to the level which existed under the old TSUS-7 percent ad valorem.

This year, I ask for an extension in the duty reduction and urge my colleagues to support the inclusion of this duty reduction in any miscellaneous tariff legislation the Congress may

adopt.

By Mr. DOMENICI:

S. 3009. A bill to amend title 10, United States Code, to provide for the payment of an annuity or indemnity compensation to the spouse or former spouse of a member of the Armed Forces whose eligibility for retired or retainer pay is terminated on the basis of misconduct involving abuse of a dependent; and for other purposes; to the Committee on Armed Services.

ABUSED MILITARY DEPENDENTS PROTECTION ACT

Mr. DOMENICI. Mr. President, I am pleased to introduce legislation that provides essential financial protection and assistance to the families of our Armed Forces. This bill targets military families who, through no fault of their own, suffer extraordinary hardships because of the misconduct of the military member.

Specifically, this bill provides annuity or indemnity payments to spouses or former spouses of military personnel who have been discharged under other than honorable circumstances for abuse of the spouse, former spouse, or dependent children.

The issue of child or spouse abuse is discussed and examined more openly these days. As a result, awareness of the scope of the problem leads to more attention and counseling for both the offenders and family members. I have been pleased to learn that the Department of Defense's Family Advocacy Program is equally concerned about this problem, and has initiated special programs that address these issues.

Despite the concerted efforts of our military programs and personnel to address the causes of and impacts upon the victims of abusive behaviors, the fact remains that an abused spouse or dependent child stands to lose everything the family has worked for, and is otherwise entitled to, if the abuse is disclosed

Under current law, if the military determines that a service member is guilty of spouse or child abuse, and is subsequently discharged for other than honorable conditions as a result of that abuse, the military member more often than not loses all of his retirement pay and benefits. This means that the spouse and children are also deprived of any means of support.

Let me provide an example. A spouse is married to a military member for 22 years of that member's 24 years of military service. During these many years, the spouse and any children of that marriage move from one military installation to another. The spouse either stays home with the children or finds her career interrupted while supporting that military member's career

assignments.

During the 22d year of marriage, the spouse finds that the military member has been abusing one of their children. One assumes that the spouse will do everything feasible to seek help for this problem, including bringing it to the attention of the appropriate family advocacy personnel at the military installation where guidance and counsel-

ing is readily available.

Unfortunately, this often does not happen. Why? Because should the military authorities decide to take action against the military member and the charges are proved true, this can result in dismissal under other than honorable conditions. Moreover, retirement payments and benefits are often denied to that member as a result of these abusive actions. In my example case, therefore, 22 years of marriage later, the spouse finds there is nothing left for the abused family members, despite the years of joint effort with the service member.

This leaves the family without medical or dental benefits, and no source of financial support. Quite frankly, if the military member is incarcerated, which is often the case, it is doubtful that there will be any financial support for that family unless there is a substantial savings account or independent wealth

This is not to suggest that these spouses expect to be taken care of. They do what all do when confronted with such personal and financial disaster: they seek employment and try to find programs that can ease them through the difficult weeks and months ahead.

However, the emotional and financial burdens on the family can be close to catastrophic. More important, we have created, unintentionally, a situation in which the spouse is reluctant to seek help because she knows full well that her disclosure will add an extremely harsh penalty for that courageous stand, particularly if that military member was the sole source of family support.

Particularly in the military service, where families are consistently uprooted from their homes, and the spouse has few career choices, the military spouse is often more disadvantaged than others in similar cir-

cumstances.

Despite our best efforts to have abusive behaviors disclosed, we are, in effect, telling a military spouse to think twice about securing assistance. The fact remains that the family may be left destitute, without essential health or dental benefits to which it would have otherwise been entitled, after 20 or more years of service affiliation with the Armed Forces.

This is certainly not fair or equitable treatment of a family experiencing such an intensely personal and trau-

matic situation.

Therefore, my bill will provide annuity payments to a spouse commensurate with the years of marriage to that otherwise retirement-eligible member. Medical and dental benefits, as well as commissary, exchange, and other privileges that would have been allowed had the military member been honorable discharged, will also be made available.

In the case where there is less than 20 years of creditable service by the military member, the spouse will be eligible to receive up to 3 years of indemnity compensation, dependent upon the

rank of the member.

Spousal and child abuse, whether in the military or in civilian life, demands more attention, more understanding of its causes, and more family and professional support to stop this destructive behavior. One essential step toward resolving this issue, however, is disclosure of the problem.

Consequently, placing extraordinary, and often devastating, financial obstacles to disclosing these instances does

nothing to identify or resolve the problem. Some might justifiably call it good common sense not to talk about the problem.

From discussions with family advocacy organizations, there is agreement that we try to do what we can to help those who take the courageous stand to disclose the abuse.

I am pleased that there is growing awareness of the traumatic effects of spouse and child abuse on the family and society as a whole. Each year we pay millions of dollars in crime prevention programs, and millions of dollars incarcerating or rehabilitating criminals. Victims, as well as the families of crime victims, spend years recovering from the senseless and debilitating effects of criminal behavior. And yet, we know that many of the perpetrators of these crimes are themselves the victims of abuse.

The vicious cycle of abuse must stop. We need to encourage the reporting of such crimes so we can begin appropriate actions to offer protection and assistance to the victims, as well as

counseling to the offenders.

At the same time, we need to be aware that military spouses, who have very unique demands on their lifestyles, should not be punished for their honesty and courage. They need and deserve our special attention.

I believe this bill can go a long way in helping these spouses with minimal financial aid to keep their families together. In the long term, I think we will all benefit by this compassionate and equitable plan. I will continue to work with the Department of Defense on this issue, and I urge my colleagues to join me in cosponsoring the Abused Military Dependent Protection Act of 1992.

Mr. President, it has come to my attention, believe it or not, that in this day and age, under the military laws of the country that if a member of the military is dishonorably discharged for abusing his spouse or his children that more times than not, that abuse, if found and prosecuted, results in the spouse and children losing all benefits. That sounds impossible, but that happens to be the way it is.

So that means a wife, two children, 22 years in the military with her husband, she has the courage to report child abuse, the military finds the military man guilty, discharged, incarceration for 5 years, and the spouse and the children who are entitled to at least half the pension and health care and other types of benefits get zero. The finding principally is that all their rights are derivative and with the dishonorable discharge goes the rights.

It is obvious that this is not very well known or we would have changed it a long time ago. But it happens that the Senator from New Mexico found out about it from a constituent. It is

In her case, she had the courage to tell the military what was happening. They found her husband guilty. They discharged him and sent him off to

prison. She lost everything.

She would have been entitled to substantial pension benefits and health benefits and this will reinstate not only hers, but it will make any such abuse cases no longer possible. Thus, it will encourage those who are abused, sexually or otherwise, to speak their piece to the authorities. What we have now is a kind of a silencing mechanism because if you tell anyone, and your spouse is convicted, you lose everything. So we are inviting nondisclosure for the sake of retaining benefits.

It is estimated that there are quite a few hundred such cases in this particular fiscal year. This bill would reinstate all of their benefits, the same as if they were entitled to them when the event occurred, the discharge occurred. It will also go back in history and pick up for a period of time those who are suffering because of this. And it ought to, in the future, correct the situation.

I do not believe it is going to encourage any abuse from the standpoint of spouses and/or children declaring that they have been abused when they have not been. We are going to have to rely upon facts and justice in that regard.

That is what the bill essentially does. I believe it will be adopted, but I thought I would get it on record so that when the armed services bill comes before the Senate we can attach it, and it is obvious to me Senators would certainly want to support this. It seems to me that we should have done this a long time ago.

I just happened to find out. It is an example of where you are asked to do something for a constituent, you find out sometimes that things are not going as you might expect. That is

what happened here.

As a matter of fact, a good neighbor to the spouse who had been disenfranchised wrote a letter and asked if we might be able to help the neighbor who was in this condition, and when we found out it turns out that he was right and the military has done what the law says, but frankly we should have done it a long time ago.

The bill is rather lengthy because we try to pick up even those who did not have fully vested pension and provide something to them if they have been

denied everything.

I ask unanimous consent that the text of my bill be printed in the

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Abused Military Dependents Protection Act of 1992".

SEC. 2. ANNUITY PROTECTION FOR SPOUSES AND FORMER SPOUSES OF MEMBERS CONVICTED FOR ABUSE OF A DE-PENDENT.

(a) IN GENERAL.—(1) Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 71 the following new chapter:

"CHAPTER 72—PROTECTIONS, RIGHTS, AND BENEFITS FOR DEPENDENTS

"Sec.

"1421. Annuity protection for spouses and former spouses of members losing eligibility for retired pay as a result of abuse of a depend-

"1422. Indemnity compensation for victims of dependent abuse.

"1423. Other benefits.

4§ 1421. Annuity protection for spouses and former spouses of members losing eligibility for retired pay as a result of abuse of a dependent

"(a) The Secretary of a military department shall, upon application, pay an annuity under this section to an eligible spouse or former spouse of a member (described in subsection (b)) of the armed force under the jurisdiction of that Secretary.

"(b) A spouse or former spouse of a member of the armed forces is eligible to receive

an annuity under this section if-

"(1) after the member becomes eligible to be retired on the basis of years of service, the member's eligibility to receive retired pay or retainer pay is terminated as a result of misconduct of the member or former member involving abuse of a dependent; and "(2) the spouse or former spouse—

"(A) was the victim of the abuse and was married to the member at the time of that

abuse; or

"(B) is a natural or adopted parent of a dependent child of the member who was the victim of the abuse.

"(c) This section applies with respect to terminations of eligibility to receive retired pay or retainer pay as a result of a conviction by a court-martial or an administrative separation from the armed forces.

"(d)(1) The amount of the annuity payable under this section to a spouse or former spouse of a member referred to in subsection (b)(1) shall be equal to the lesser of—

"(A) the percentage determined under paragraph (2) of the amount of the retired pay or retainer pay which the member would have received on the date on which the spouse's or former spouse's entitlement to that annuity becomes effective if the member had been retired from the armed forces entitled to receive retired or retainer pay on that date; or

"(B) the amount that is equal to such portion of the member's retired or retainer pay as is provided for in an applicable court order (as defined in section 1408(a) of this

title), if any.

"(2)(A) In the case of spouse or former spouse who has been married to the member for 20 or more years, at least 20 of which were during the period the member performed service creditable in determining the member's eligibility for retired or retainer pay, the percent applicable under paragraph (1)(A) is 50 percent.

"(B) In the case of a spouse or former spouse not described in subparagraph (A), the percent applicable under paragraph (1)(A) is the percent (rounded to the nearest one percent) that is determined by—

"(i) multiplying 50 percent times the number of years during the member's service creditable in determining the member's eligibility for retired or retainer pay that the spouse or former spouse has been married to the member; and

"(ii) dividing the product computed under

clause (i) by 20.

"(3) Whenever retired pay is increased under section 1401a of this title (or any other provision of law), the annuity payable under this section to the spouse or former spouse of a member referred to in subsection (b)(1) shall be increased at the same time. The increase shall be by the same percent as the percent by which the retired pay or retainer pay of the member would have been increased if the member were receiving retired or retainer pay.

"(e)(1) The entitlement to the annuity shall become effective as of the first day of the month in which the action that terminates the eligibility for retired or retained and is taken, as determined under regulations prescribed by the Secretary of the mili-

tary department concerned.

"(2) An entitlement to an annuity under this section with respect to a member referred to in subsection (b) shall terminate—

"(A) in the case of an annuitant who marries again after the effective date of the annuity before attaining 55 years of age, on the date of such marriage; and

"(B) in the case of an annuitant who resumes cohabitation with the member, on the date on which the cohabitation resumes.

"(3) A person's entitlement to an annuity under this section that is terminated under paragraph (2)(A) by reason of remarriage shall be resumed in the event of the termination of that marriage by the death of that person's spouse or by annulment or divorce. The resumption of payment of the annuity shall begin as of the first day of the month in which that marriage is so terminated. The monthly amount of the resumed annuity shall be the amount that would have been paid if the entitlement to the annuity had not been terminated.

"(f) Notwithstanding any other provision of law, a member of the armed forces referred to in subsection (b)(1) shall have no ownership interest in, or claim against, an annuity payable under this section to a spouse or former spouse of the member.

"(g)(1) An application for an annuity under this section shall be made in the form and manner prescribed by the Secretary of the

military department concerned.

"(2) No annuity shall be paid under this section to a spouse or former spouse of a member of the armed forces referred to in subsection (b)(1) unless the spouse or former spouse applies for that annuity within one year after the date of the action referred to in subsection (e)(1).

"(h) Any amount payable by the United States during any month to a member of the armed forces who is incarcerated for any period during that month as a result of a conviction shall be reduced by the total amount of any payment made with respect to that member during that month under this section.

"(i) In this section:

"(1) The term 'dependent' means a spouse or dependent child.

"(2) The term 'dependent child', with respect to a member of the armed forces referred to in subsection (a), means an unmarried legitimate child, including an adopted child or a stepchild of the member, who—

"(A) is under 18 years of age;

"(B) is incapable of self-support because of a mental or physical incapacity that existed before becoming 18 years of age and is or, at the time of the action described in subsection (e)(1) with respect to that member, was dependent on the member for over one-

half of the child's support; or

"(C) if enrolled in a full-time course of study in an institution of higher education recognized by the Secretary of Defense for the purposes of this clause, is under 23 years of age and is or, at the time of the action described in subsection (e)(1), was dependent on the member for over one-half of the child's support.

"§ 1422. Indemnity compensation for victims of dependent abuse

"(a) AUTHORITY TO PAY COMPENSATION .-Under regulations prescribed by the Secretary of Defense, the Secretary of a military department concerned may pay indemnity compensation in accordance with this section to an eligible dependent of a member (described in paragraph (2)) of the armed force under the jurisdiction of that Secretary of a military department.

"(2) A member of the armed forces referred to in paragraph (1) is a member who, before becoming eligible to be retired from the armed forces on the basis of years of serv-

"(A) is convicted by a court-martial for an offense involving abuse of a dependent if the court-martial convening authority or a higher competent authority approves a dishonorable discharge, bad-conduct discharge, or dismissal of the member as a result of that conviction: or

"(B) is separated from the armed forces under adverse conditions, as characterized under regulations prescribed by the Secretary concerned, as a result of misconduct of the member involving abuse of a dependent, as determined by the authority ordering the separation or, in the case of a resignation, the authority accepting the resignation.

"(b) ELIGIBLE DEPENDENT -(1) Except as provided in paragraph (2), the dependents eligible to receive indemnity compensation under this section in the case of a member of the armed forces referred to in subsection (a)

are as follows:

"(A) The member's spouse if the spouse was married to the member when the member engaged in the offense referred to in subparagraph (A) of subsection (a)(2) or the misconduct referred to in subparagraph (B) of that subsection.

"(B) A former spouse of the member if the former spouse was married to the member when the member engaged in such offense or

misconduct.

"(C) If there is no spouse or former spouse eligible under subparagraph (A) or (B) to receive the indemnity compensation, the de-

pendent children of the member.

"(2) A spouse, former spouse, or dependent child of a member of the armed forces referred to in subsection (a) is not eligible to receive indemnity compensation under this section on the basis of an offense or misconduct referred to in subsection (a)(2) if, under regulations prescribed by the retary of the military department concerned, the spouse, former spouse, or child (as the case may be) is determined-

"(A) to have been an active participant in

the offense or misconduct; or

"(B) in the case of a dependent child, the child resides with a spouse or former spouse who was an active participant in the offense

or misconduct.

(c) AMOUNT OF COMPENSATION .rate of indemnity compensation paid a dependent of a member of the armed forces referred to in subsection (a) shall be the rate specified in section 1311(a) of title 38 for the grade held by that member-

"(A) in the case of a member described in subsection (a)(2)(A), immediately before any reduction in grade resulting from a courtmartial conviction of that member as described in that subsection; and

"(B) in the case of a member described in subsection (a)(2)(B), immediately before the

separation from the armed forces.

'(2) In the case of indemnity compensation payable to the spouse or former spouse of the member, the rate paid under paragraph (1) shall be increased by the amount provided under section 1311(b) of title 38 if the spouse or former spouse, as the case may be, and that member have one or more unmarried children who are under 18 years of age.

"(3) Indemnity compensation payable to dependent children of a member of the armed forces referred to in subsection (a) shall be paid in equal shares to those children at the rates provided under section 1313(a) of title

"(d) PERIOD OF PAYMENT.—(1) Indemnity compensation may be paid in the case of a member of the armed forces referred to in subsection (a) for the lesser of-

'(A) the period equal to the total number of months for which the member served on active duty; or

"(B) three years.

"(2) For purposes of paragraph (1)(A), any fraction of one month shall be rounded up to one month.

"(e) COMMENCEMENT OF PAYMENT.-Payment of indemnity compensation shall commence-

'(1) in the case of a court-martial described in subsection (a)(2), on the first day of the month following the month in which the sentence to a discharge or dismissal is approved by the court-martial convening authority: or

"(2) in the case of an administrative discharge from the armed forces, the date of the

discharge.

"(f) TERMINATION OF PAYMENT -Payment. of indemnity compensation to a spouse, former spouse, or dependent child in the case of a member referred to in subsection (a) shall terminate upon-

"(1) the commencement of cohabitation by spouse, former spouse, or dependent child, as the case may be, with the member

in the same household; or

"(2) in the case of a former spouse, a remarriage of the former spouse.

"(g) REGULATIONS.—The Secretary of each military department shall prescribe regulations to carry out this section with respect to members of the armed force under the jurisdiction of that Secretary. The regulations prescribed by the Secretaries of the military departments shall be as uniform as practicable and shall be subject to the approval of the Secretary of Defense.

"(h) OFFSET OF PAYMENTS.-Any amount

payable by the United States during any month to a member of the armed forces described in subsection (a)(2) who is incarcerated for any period during that month as a result of a conviction shall be reduced by the total amount of any payment made with respect to that member during that month under this section.

"(i) DEFINITIONS.—In this section, the term 'dependent child' has the meaning given that term in section 1421 of this title.

"§ 1423. Other benefits

"(a) ANNUITANTS UNDER SECTION 1421.-A spouse or former spouse of a member of the armed forces referred to in subsection (b)(1) of section 1421 of this title shall be entitled. while receiving an annuity under that section-

"(1) to receive medical and dental care under the provisions of chapter 55 of this title to the same extent as a dependent of a retired member of the armed forces:

'(2) to use the commissary and exchange stores on the same basis as a dependent of a retired member of the armed forces; and

"(3) to receive any other benefits that a dependent of a retired member is entitled to receive on the basis of being a dependent of a retired member.

"(b) PERSONS COMPENSABLE UNDER SECTION 1422.-A spouse, former spouse, or dependent child of a member of the armed forces referred to in subsection (a) of section 1422 of this title shall be entitled to the benefits referred to in subsection (a) while receiving in-

demnity compensation under that section.". (2) The tables of chapters at the beginning of subtitle A of such title and part II of such subtitle are amended by inserting after the item relating to chapter 71 the following:

Miscellaneous ..72. protections, rights, and benefits for dependents 1421".

(b) Funding for Annuities.—Section 1463 of such title is amended-

(1) by striking out "and" at the end of paragraph (3):

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and' : and

(3) by adding at the end the following:

"(5) annuities payable under section 1421 of

this title."

(c) APPLICABILITY .- (1)(A) Section 1421 of title 10, United States Code (as added by subsection (a)), shall apply with respect to terminations of eligibility to receive retired or retainer pay that take effect before, on, or after the date of the enactment of this Act.

(B) Notwithstanding subsection (g)(2) of such section 1421, in the case of a spouse or former spouse claiming eligibility to receive an annuity under that section on the basis of a termination of eligibility to receive retired or retainer pay that took effect before the date of the enactment of this Act, no annuity shall be paid that spouse or former spouse under such section unless the spouse or former spouse applies for that annuity within one year after that date.

(C) No annuity shall accrue under such section 1421 for periods before the date of the

enactment of this Act.

(2) No indemnity compensation shall be payable under section 1422 of title 10, United States Code (as added by subsection (a)), with respect to discharges and dismissals from the Armed Forces before the date of the enactment of this Act.

(d) STUDY REQUIRED .- (1) The Secretary of Defense shall conduct a study in order to-

(A) determine the number of persons who became eligible to receive an annuity under section 1421 of title 10, United States Code (as added by subsection (a)), as of each of fiscal years 1980 through 1992;

(B) estimate the number of persons who will become eligible to receive an annuity under such section during each of fiscal

years 1993 through 2000;

(C) determine, for each of fiscal years 1980 through 1992, the number of members of the Armed Forces who, after having completed at least one, and less than 20, years of service, were approved in that fiscal year for discharge or dismissal from the Armed Forces as a result of abuse of a spouse or dependent child: and

(D) estimate, for each of fiscal years 1993 through 2000, the number of members of the Armed Forces who, after having completed at least 14, and less than 20, years of service in that fiscal year, will be approved in that fiscal year for discharge or dismissal from the Armed Forces as a result of abuse of a spouse or dependent child.

(2) The study shall include-

(A) a thorough analysis of the effects, if any, of appeals and requests for clemency in the case of courts-martial convictions on the entitlement to and the payment of annuities under section 1421 of title 10, United States Code (as added by subsection (a));

(B) a thorough analysis of the socio-economic effects on the dependents of members of the Armed Forces described in subsection (b) of that section that result from terminations of the eligibility of such members to

receive retired or retainer pay; and

(C) a thorough analysis of the effects of separations of such members from the Armed Forces on the mission readiness of the units of assignment of such members when separated and on the Armed Forces in general.

(3) Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the re-

sults of the study.

By Mr. DANFORTH (for himself, Mr. HATCH, Mr. KASTEN, Mr. BROWN, Mr. COCHRAN, Mr. THUR-MOND, Mr. D'AMATO, Mr. SMITH, and Mr. PACKWOOD):

S. 3010. A bill to encourage, assist, and evaluate educational choice programs, and for other purposes; to the Committee on Labor and Human Re-

sources.

FEDERAL GRANTS FOR STATE AND LOCAL "GI BILLS" FOR CHILDREN ACT

Mr. DANFORTH. Mr. President, I rise today on behalf of myself, Senators COCHRAN, KASTEN, BROWN, THURMOND, D'AMATO, SMITH, and PACK-WOOD to introduce legislation. Federal grants for State and local GI bills for children, which would address a serious inequity in our country. While wealthy families have the option of moving to an area with quality public elementary and secondary schools or of sending their children to private schools, lower income families have no choice but to attend their neighborhood public school, regardless of its quality. As a matter of simple equity, lower income families should also have educational choices. A 1991 Gallup poll found that only 27 percent of inner-city residents gave high marks to local public schools, compared to 42 percent of the general public.

The legislation we introduce today provides \$500 million of new Federal funds for use by eligible families at the public, private, or religious elementary or secondary school that they choose for their child. It creates a competitive 4-year grant program for which any State or locality may apply, to give each child of low- to moderate-income family \$1,000 or more toward their child's elementary or secondary education. The grants would be awarded based on four criteria: First, the number and variety of choices made available to families of eligible children; second, the extent to which the applicant has provided educational choices to all children, including children who

are not eligible for scholarships; third, the proportion of participating children who are from low-income families; and fourth, the additional local and private financial support for the project.

Families will be able to apply their scholarship money toward the public

school of their choice, whether the neighborhood public school or another school, or toward tuition at a private or religious school. The family may use up to \$500 for supplemental academic services such as summer school, tutor-

ing, or after school or Saturday aca-

demic programs.

There are some who argue that the Federal financial assistance that this bill provides should not be used at private or religious schools. The funding. however, is directed toward families, rather than institutions-just as food stamps, Medicaid, and Pell grants are individual benefits-and therefore does not pose a constitutional question. Why should we prohibit families from using Federal scholarship money at private and religious schools when we have no such restrictions on what hospital Medicaid recipients attend, or at what store food stamp recipients shop for groceries, or what college or university Pell grant recipients choose, or in what type of housing, private or public, those with section 8 vouchers choose to make their home? It simply does not withstand serious scrutiny that educational scholarship money should be used only at public institutions. When Congress created the GI bill for world War II veterans, no restrictions were placed on the schools that beneficiaries could attend. Many GI bill recipients, however chose to attend public institutions. In fact, public school attendance has increased from less than 50 percent to 80 percent since Federal lands for college were introduced.

Because many families will choose public schools, this legislation will enrich the public school system. For each eligible child who chooses to remain in his or her assigned school, the public school could gain up to \$1,000. It will also force the public schools to be competitive with private and religious schools, many of which are highly successful in educating their students. Of the 4,010 Catholic schools that are located in urban areas, 1,033 are located in the inner City. In St. Louis, 80 percent of inner-city Catholic school students are black, and 85 percent of those students are non-Catholics. These students are more likely to finish high school and to complete college than white students in public school. A study by Dr. Coleman of the University of Chicago found that the drop-out rate for grades 10 to 12 was 14.3 percent in public schools; 11.9 percent in private schools; and 3.4 percent for Catholic

hools.

Mr. President, the riots in Los Angeles starkly illuminated the utter hope-

lessness and despair that plagues our inner cities. In the wake of those riots, there has emerged a consensus that something desperately needs to be done to help our young people. Scholars, reporters, educators, politicians, and parents have all commented on the critical need for parents to be involved in the lives of their children. I believe education holds the key to a better future for these children, and that parental involvement in that education greatly enhances a child's potential for success. Why, in America, should we settle for substandard schools for a segment of our population? Why, in America, should we allow children to be locked into poverty? How can we allow generation after generation of the most disadvantaged to live without any hope at all?

I believe we cannot, and we must not, settle for the status quo. For this reason, my colleagues and I are introducing this legislation today. I am committed to seeing that it garners widespread, and bipartisan, support. I am convinced that it will. Already many productive conversations have taken place with respect to this notion between supporters of this legislation and Democratic Members of the Senate. A companion bill which was introduced in the House of Representatives was introduced with bipartisan support.

I am pleased that this idea has entered the national debate. I am confident that it can become law. I am committed to working with my colleagues. And finally, Mr. President, if necessary, the groundwork will be laid now for its passage next Congress as part of the reauthorization of the Elementary and Secondary Education Act.

Mr. BROWN. Mr. President, I rise to express my support for the GI bill for children legislation being introduced

today by Senator DANFORTH.

The GI bill for children would provide \$1,000 scholarships for elementary and secondary education in public or private schools. The U.S. Department of Education would select on a competitive basis those school districts and areas that applied to have their students participate in the program. The Department of Education would select the eligible school districts and areas for the GI bill for children program based primarily on existing public and private school alternatives, and the proportion of low-income children. These criteria help focus the program on those students and parents with the greatest need.

This legislation makes sense. Public schools chosen for the program could use the additional funding to strengthen current programs or even to add new ones such as special math and science classes, or even a tutoring program. Students who could not otherwise afford private schools without the GI bill for children scholarship may now be able to attend a school that

more closely meets their needs.

All parents want the best education for their children. Federal funding of elementary and secondary education is one of the few areas in our country where there is almost no choice. Parents aren't told at which stores to buy food or which hospitals to use. Many low-income parents, however, are told which schools their children must attend. The wealthy elite should not be the only ones who have choice.

We should experiment and investigate with new ideas in education. Hopefully, the GI bill for children will spur competition that will encourage excellence in both our schools and our

students.

ADDITIONAL COSPONSORS

S. 794

At the request of Mr. METZENBAUM, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 794, a bill to amend the Employee Retirement Income Security Act of 1974 to provide that such act does not preempt certain State laws.

S. 878

At the request of Mr. DODD, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 878, a bill to assist in implementing the plan of action adopted by the World Summit for Children, and for other purposes.

S. 918

At the request of Mr. Packwood, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 918, a bill to amend the Internal Revenue Code of 1986 to exempt small manufacturers, producers, and importers from the firearms excise tax.

S. 1257

At the request of Mr. BOREN, the names of the Senator from Iowa [Mr. GRASSLEY], and the Senator from Montana [Mr. Burns] were added as cosponsors of S. 1257, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain real estate activities under the limitations on losses from passive activities.

S. 1451

At the request of Mr. BIDEN, the names of the Senator from Ohio [Mr. METZENBAUM], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of S. 1451, a bill to provide for the minting of coins in commemoration of Benjamin Franklin and to enact a fire service bill of rights.

8. 2028

At the request of Mr. SPECTER, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 2028, a bill to amend title 38, United States Code, to improve and expand health care and health-care related services furnished to women veterans by the Department of Veterans Affairs.

S. 2064

At the request of Mr. HATFIELD, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 2064, a bill to impose a 1-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

S. 2083

At the request of Mr. CRAIG, the names of the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 2083, a bill to provide for an extension of regional referral center classifications, and for other purposes.

S. 2362

At the request of Mr. McCain, the names of the Senator from Virginia [Mr. Warner], and the Senator from Montana [Mr. Burns] were added as cosponsors of S. 2362, a bill to amend title XVIII of the Social Security Act to repeal the reduced medicare payment provision for new physicians.

S. 2385

At the request of Mr. RIEGLE, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 2385, a bill to amend the Immigration and Nationality Act to permit the admission to the United States of non-immigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes.

S. 2387

At the request of Mr. DURENBERGER, his name was added as a cosponsor of S. 2387, a bill to make appropriations to begin a phase-in toward full funding of the special supplemental food program for women, infants, and children [WIC] and of Head Start programs, to expand the Job Corps Program, and for other purposes.

S. 2484

At the request of Mr. KASTEN, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 2484, a bill to establish research, development, and dissemination programs to assist State and local agencies in preventing crime against the elderly, and for other purposes.

8. 2514

At the request of Mr. BUMPERS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 2514, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers a bad debt deduction for certain partially unpaid child support payments and to require the inclusion in income of child support payments which a taxpayer does not pay, and for other purposes.

S. 2553

At the request of Mr. INOUYE, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 2553, a bill to amend the Civil Lib-

erties Act of 1988 to increase the authorization for the trust fund under the act, and for other purposes.

S. 2608

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 2608, a bill to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes.

S. 2612

At the request of Mr. Domenici, the names of the Senator from New Hampshire [Mr. Rudman], the Senator from New Hampshire [Mr. Smrth], the Senator from Wyoming [Mr. Simpson], the Senator from Alaska [Mr. Murkowski], the Senator from Montana [Mr. Burns], and the Senator from Virginia [Mr. Warner] were added as cosponsors of S. 2612, a bill to amend the Internal Revenue Code of 1986 to provide short-term economic growth incentives which would create a million new jobs in 1992 and for no other purpose.

8. 2657

At the request of Mr. REID, the name of the Senator from Colorado [Mr. Brown] was added as a cosponsor of S. 2657, a bill to require reauthorizations of budget authority for Government programs at least every 10 years, to provide for review of Government programs at least every 10 years, and for other purposes.

S. 2667

At the request of Mr. HEFLIN, the names of the Senator from Florida [Mr. GRAHAM], and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 2667, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use.

S. 2680

At the request of Mr. PRYOR, the name of the Senator from Montana [Mr. Burns] was added as a cosponsor of S. 2680, a bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to consult with State medical societies in revising the geographic adjustment factors used to determine the amount of payment for physicians' services under part B of the Medicare Program, to require the Secretary to base geographic-cost-of-practice indices under the program upon the most recent available data, and for other purposes.

S. 2682

At the request of Mr. Bumpers, the names of the Senator from Maryland [Ms. Mikulski], the Senator from Louisiana [Mr. Johnston], and the Senator from Utah [Mr. Garn] were added as cosponsors of S. 2682, a bill to direct the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of the protection of Civil War battlefields, and for other purposes.

S. 2748

At the request of Mr. Pell, the names of the Senator from New York [Mr. MOYNIHAN], and the Senator from Washington [Mr. Adams] were added as cosponsors of S. 2748, a bill to authorize the Library of Congress to provide certain information products and services, and for other purposes.

S. 2774

At the request of Mr. HOLLINGS, the names of the Senator from Arkansas [Mr. PRYOR], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 2774, a bill to authorize appropriations to the National Aeronautics and Space Administration for an Experimental Program to Stimulate Competitive Research on Space and Aeronautics.

S. 2813

At the request of Mr. GORE, the name of the Senator from Maryland [Ms. MI-KULSKI] was added as a cosponsor of S. 2813, a bill to establish in the Government Printing Office an electronic gateway to provide public access to a wide range of Federal databases containing public information stored electronically.

S. 2887

At the request of Mr. McConnell, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 2887, a bill to amend title IV of the Social Security Act to provide that the Secretary of Health and Human Services shall enter into an agreement with the Attorney General of the United States to assist in the location of missing children.

S. 2889

At the request of Mr. BOREN, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 2889, a bill to repeal section 5505 of title 38, United States Code.

S. 2921

At the request of Mr. FOWLER, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 2921, a bill to reform the administrative decisionmaking and appeals processes of the Forest Service, and for other purposes.

S. 2967

At the request of Mr. Garn, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 2967, a bill to increase the amount of credit available to fuel local, regional and national economic growth by reducing the regulatory burden imposed upon depository institutions, and for other purposes.

S. 2969

At the request of Mr. KENNEDY, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 2969, a bill to protect the free exercise of religion.

S 2970

At the request of Mr. SASSER, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2970, a bill to amend the Cash Management Improvement Act of 1990, and for other purposes.

SENATE JOINT RESOLUTION 274

At the request of Mr. DODD, the names of the Senator from Indiana [Mr. COATS] and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 274, a joint resolution to designate April 9, 1992, as "Child Care Worthy Wage Day".

SENATE JOINT RESOLUTION 321

At the request of Mr. Kohl, the names of the Senator from New Jersey [Mr. Bradley] and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 321, a joint resolution designating the week beginning March 21, 1993, as "National Endometriosis Awareness Week."

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. Dodd, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Concurrent Resolution 94, a concurrent resolution urging the Government of the United Kingdom to address continuing human rights violations in Northern Ireland and to seek the initiation of talks among the parties to the conflict in Northern Ireland.

SENATE CONCURRENT RESOLUTION 127

At the request of Mr. DECONCINI, the names of the Senator from Indiana [Mr. COATS], the Senator from Missouri [Mr. DANFORTH], the Senator from Maine [Mr. COHEN] and the Senator from Colorado [Mr. BROWN] were added as cosponsors of Senate Concurrent Resolution 127, a concurrent resolution to express the sense of the Congress that women's soccer should be a medal sport at the 1996 centennial Olympic games in Atlanta, GA.

SENATE RESOLUTION 123

At the request of Mr. KASTEN, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Resolution 123, a resolution relating to State taxes for mail-order companies mailing across State borders.

AMENDMENTS SUBMITTED

INTERNATIONAL TRANSPORTATION OF MUNICIPAL WASTE ACT

BAUCUS (AND OTHERS) AMENDMENT NO. 2736

Mr. BAUCUS (for himself Mr. Coats, Mr. Specter, Mr. Chafee, Mr. Metzen-BAUM, Mr. GLENN, and Mr. Wofford) proposed an amendment to the bill (S. 2877) entitled the "International Transportation of Municipal Waste Act of 1992." as follows:

On page 4 line 2 before the semi colon, add the following: "except to the extent that the actual amounts of municipal waste generated outside the jurisdiction of the affected local government received for disposal at the landfill or incinerator under such contracts exceed the amount imported under such contracts in 1991 or twice the volume of the first six months of 1992, whichever is less (this clause shall not apply after June 18, 1998, to the extent that such contract prevents a Governor from exercising the authority granted by paragraphs (2)(A)(ii) and (3))".

On page 6, between lines 11 and 12, insert

the following new paragraph:

"(3) Except as provided in paragraph (1)(C) and in addition to the authorities provided in paragraph (1)(A) beginning with calendar year 1998, a Governor of any State which receives more than 1 million tons of out-of-State municipal waste, if requested in writing by the affected local government and the affected local solid waste planning unit, if any, may further limit the disposal of out-of-State municipal waste as provided in paragraph (2)(A)(ii) by reducing the 30-percentum annual volume limitation to 20 percentum in each of calendar years 1998 and 1999, and to 10 percentum in each succeeding calendar year.".

On page 6, line 12, strike "(3)(A)" and in-

sert "(4)(A)"

On page 7, line 3, strike "(4)(A)" and insert "(5)(A)".

D'AMATO AMENDMENT NO. 2737, AS MODIFIED

Mr. D'AMATO proposed the following amendment to the bill S. 2877, supra, as follows:

On page 11, strike lines 3 and 4 and insert the following new paragraph:

"(3) With respect to a State, the term 'outof-State municipal waste' means municipal waste generated outside of the State. The term shall include municipal waste generated outside of the United States to the extent that it is consistent with the United States-Canada Free-Trade Agreement and the General Agreement on Tariffs and Trade."

D'AMATO (AND MOYNIHAN) AMENDMENT NO. 2738

Mr. D'AMATO (for himself and Mr. MOYNIHAN) proposed an amendment to the bill S. 2877, supra, as follows:

On page 11, strike lines 3 and 4 and insert the following new paragraph:

"(3) With respect to a State, the term 'outof-State municipal waste' means municipal waste generated outside of the State. The term shall include municipal waste generated outside of the United States to the extent state it is consistent will the United States-Canada Free-Trade Agreement and the General Agreement on Tariffs and Trade."

REID (AND OTHERS) AMENDMENT NO. 2739

Mr. REID (for himself, Mr. LEVIN, and Mr. RIEGLE) proposed an amendment to the bill S. 2877, supra, as follows:

Beginning on page 2, strike line 1 and all that follows through page 13, line 7, and insert the following new section:

SEC. 2. INTERSTATE TRANSPORTATION OF MU-NICIPAL SOLID WASTE.

(a) IN GENERAL.-Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

"SEC. 4011. INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE.

"(a) OUT-OF-STATE MUNICIPAL WASTE DE-FINED.-For the purposes of this section, with respect to a State, the term 'out-of-State municipal waste' means municipal waste generated in another State.

"(b) AUTHORITY OF GOVERNOR .-

"(1) IN GENERAL.—Subject to the conditions of paragraph (2), the Governor of a State may prohibit, limit, or impose a differential fee on, the disposal of out-of-State municipal waste in any landfill or incinerator that is subject to the jurisdiction of the Governor.

"(2) CONDITIONS.—In carrying out an action under paragraph (1), the Governor shall-

"(A) carry out the action in accordance with guidelines that the Governor, in consultation with local governments of the State, shall establish to ensure that the authority under paragraph (1) is exercised in a manner that does not discriminate against any particular geographic area of the State; and

"(B) ensure that the action is not taken in a manner that discriminates against the disposal of out-of-State municipal waste on the

basis of State of origin.

"(3) APPLICABILITY.—This subsection shall apply with respect to the disposal of out-of-State municipal waste on or after January 1.

"(c) EXEMPTION.-Nothing in this section shall be construed so as to prohibit a State that had in effect a State plan on May 31, 1992, that was approved by the Administrator not later than June 1, 1982, from carrying out the requirements of the State plan that relates to the disposal of out-of-State municipal waste. Notwithstanding any other provision of this section, the Governor of each State described in the preceding sentence may restrict the disposal of out-of-State municipal waste in any landfill or incinerator subject to the requirements of the State plan in the manner prescribed in the State plan.'

(b) TECHNICAL AMENDMENT.—The table of contents of the Solid Waste Disposal Act is amended by adding after the item relating to section 4010 the following new item:

"Sec. 4011. Interstate transportation of municipal solid waste.".

NOTICE OF HEARINGS

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

BUMPERS. Mr. President, would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, August 6, 1992, beginning at 2 p.m., in room SD-366 of the Dirksen Senate Office Building, in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills currently pending before the subcommittee:

S. 2890, to provide for the establishment of the Civil Rights in Education: Brown v. Board of Education National Historic Site in the State of Kansas, and for other purposes;

H.R. 2109, to direct the Secretary of the Interior to conduct a study of the feasibility of including Revere Reach, located in the city of Revere, Massachusetts, in the National Park System:

S. 2244, to require the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate United States participation in that conflict;

H.R. 3665, to establish the Little River Canyon National Preserve in the State of Ala-

bama;

S.J. Res. 161, to authorize the Go For Broke National Veterans Association to establish a memorial to Japanese-American War Veterans in the District of Columbia or its environs, and for other purposes; and S. 2549, to establish the Hudson River Art-

ists National Historical Park in the State of New York, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at

(202) 224-9863.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 22, 1992, at 10 a.m., to hold a hearing on the state of U.S. trade policy and the merits of pending trade legislation.

The PRESIDING OFFICER. Without

objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on July 22, 1992, beginning at 2:30 p.m., in 485 Russell Senate Office Building, on S. 2975, the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1992.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. FORD. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the Court of Veterans Appeals, Adjudication, and Housing legislation and oversight on Wednesday, July 22, 1992, at 10 a.m., in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON GOVERNMENT INFORMATION AND REGULATION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Government Information and Regulation be authorized to meet on Wednesday, July 22, 1992, at 9:30 a.m., on the subject: bureaucratic nightmare: buying a home.

The PRESIDING OFFICER. Without

objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Wednesday, July 22, 1992, at 10 a.m., to conduct a hearing on the state of the U.S. economy and America's global competitive position. The PRESIDING OFFICER. Without

objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 22, 1992, at 2 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PROJECTION FORCES AND REGIONAL DEFENSE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Projection Forces and Regional Defense of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 22, 1992, at 9 a.m., in executive session, to markup projection forces and regional defense programs on a Department of Defense Authorization Act for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. FORD, Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 22, 1992, at 10:30 a.m., in executive session, to markup strategic forces and nuclear deterrence programs on a Department of Defense Authorization Act for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 22, 1992, at 2 p.m., in executive session, to markup a National Defense Authorization Act for fiscal year 1993, and other pending legislation referred to the Committee on Armed Services.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUCLEAR REGULATION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Regulation. Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, July 22, beginning at 9:30 a.m., to conduct a hearing on the effects of the Chernobyl nuclear accident.

The PRESIDING OFFICER, Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 22, at 3 p.m. to hold Ambassadorial nominations hear-

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 22, at 10 a.m. to hold a hearing on Overseas Private Investment Corporation Reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., July 22, 1992, to receive testimony on the report and recommendations to the Director of the National Park Service from the steering committee of the 75th anniversary symposium, and on the status of the transition of the Presidio to the National Park Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, July 22, 1992, at 9:30 a.m., to hold a hearing. The committee will receive testimony on S. 2748, to authorize the Library of Congress to provide certain information products and services, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 22, 1992, at 10:30 a.m. to hold a hearing on the nomination of Francis A. Keating II. to be U.S. cir-

cuit judge for the 10th Circuit, Timothy E. Flanigan, to be an Assistant Attorney General, and Henry Edward Hudson, to be Director of the U.S. Marshals Service

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSTITUTION

Mr. FORD, Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, July 22, 1992 at 9:30 a.m., to hold a hearing on Senate Joint Resolution 297, Senate Joint Resolution 302, and Senate Joint Resolution 312, proposing amendments to the Constitution relating to the election of the President and Vice President of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TIME TO RIGHT A LONGSTANDING WRONG

• Mr. DECONCINI. Mr. President, once again the time is fast approaching for us to review arguably the greatest foreign policy tragedy of George Bush's Presidency. I am speaking of the issue of China's most-favored-nation [MFN] status. As we approach what is sure to be a highly controversial issue, I would like to remind the Congress, and President Bush himself, of what his preferential trade status to China has done.

When originally proposed by President Bush, our "constructive engagement" with China was designed to convince the Chinese Government to end its policy of gross violations of human rights. Three years have now passed since those bloody days in Tiananmen Square, and whatever additional pressure President Bush has applied seems to have had little if any effect. A recent article, which I ask be printed in the RECORD at the conclusion of my statement, details what I believe to be strong reasons for suspending business as usual with the leadership in Beijing and supporting the reasoned legislation offered by the majority leader and others-including this Senator-to place conditions on any extension of MFN with the People's Republic of China next year.

In his editorial, Mr. A.M. Rosenthal of the New York Times compares the current repressions of the Chinese Government to the Gestapo tactics of Nazi Germany. After reading the article, how can President Bush blithely extend MFN trade preference for yet another year? How, also, can Congress still refuse to muster the political will and moral courage to override another one of the President's blind vetoes? It is clear to this Senator that we must

bring an end to this policy simply because it condones China's brutal behavior toward its citizenry.

In conclusion, if the United States is to be the world leader which it comes to human rights, we must start by letting the Chinese Government know, in no uncertain terms, that we will refuse to turn a blind eve to its unconscionable terrible tactics. We must do this. if not for our own sake, then for the sake of the people of China who are yearning for democratic reforms.

The article follows:

CHINA'S BLACK BOOK (By A.M. Rosenthal)

Long before the extermination camps, the world knew that Hitler's basic instruments

of power were torture and murder.
Only shortly after the Germans elevated him to office, "black books" were published in the West—detailed reports of the floggings, genital tortures, deaths by suffocation carried out routinely in Gestapo pris-

From then on, the nations knew their ambassadors were accredited to a regime from hell and their businessmen were buying its

products

Most people did little or nothing until the war. But some did. They too acknowledged the truth and fought it-with their voices, however lonely, with whatever economic and

political strength they had, however small.

After World War II the underground writings of the Soviet freedom fighters told the world about the Soviet gulag. Most people did little or nothing. But some did. They acknowledged the truth and fought with whatever energy and power they had. Now, black books are published

are published again. They are about another national system of torture and murder-the Chinese Communist gulag, where every day of every year 16 to 20 million men and women labor and suffer in slavery

They live-they exist-in a world of torture, starvation and humiliation meticulously planned to create greater profit through greater production for the munist Government. We are the customers.

Recently I wrote about a report on China's ave laborers—"Laogai: The Chinese slave Gulag," by Hongda Harry Wu. He spent 19 years in the slave camps. I could not escape that book and cannot escape another on my table. It is about the hundreds of prisons in the huge province of Hunan. "Anthems of Defeat" is reported with documentation, statistical tables, notes and names by Tang Bogiao, a Chinese dissident.

Mr. Tang was moved from prison to prison and has compiled this annotated encyclopedia of evil. It is published by Asia Watch

(212-972-8400).

All prisoners received trials without confrontation of witnesses or pleas of innocence permitted.

Prof. Peng Yuzhang, in his 70's, was sent to Changsa No. 1 jail for backing student sitins. He was placed on the "shackle board," a door-sized plank with shackles for hands and feet and a hole for defecation. Chained to the board, he would sing encouragement to student prisoners he could not see. Sometimes he would cry out, "I need a bath."

Professor Peng remained on the board for three months. Then he was sent to a psy-

chiatric asylum. Is he alive?
The shackle board was just one form of punishment. Other common-places:

Torture with electric prods. Public whippings to the blood. Forced boot-licking. Chaining, face on cell floor, arms around toilet buckets in use through the night by other

prisoners.

A dozen kinds of hand and ankle cuffs, sometimes with iron rods between them to make movement almost impossible. Multiple fetters to shackle prisoners tightly together. "Martial arts"-guards kicking prisoners into unconsciousness.

Solitary confinement in metal boxes so small prisoners can neither lie down properly nor stand up straight. "Electric shackle treatment"-shock applied through hand and ankle cuffs, often while the victim is chained

to the shackle board.

Prisoners who do not fill work quotas are punished by all these tortures, by starvation diets, and by extended sentences. By official Communist policy their work is considered

an essential part of Chinese export.

So we know-no escape. What can we do? American laws against forced-labor imports are sieves. But stockholders can raise the issue at company meetings. Are we selling slave labor goods, or using our pension funds, to help the torturers? Please investigate and report back fully.

Before we buy, we can ask shopkeepers to find out from their vendors what "made in China" means-made where, by whom?

President Bush has vetoed every Congressional attempt to apply mild economic sanctions to the Chinese Communists. This battle will not end, whoever is elected President.

Meantime will all the delegates at the Republican and Democratic Conventions re-main mute about slavery and torture in China? Will Ross Perot? Or will they cleanse themselves of silence-at least some of

TRIBUTE TO MARION

• Mr. McCONNELL. Mr. President, I rise today to recognize the town of Marion in Crittenden County.

Located in the rolling wooded hills of western Kentucky, Marion is bounded by the Ohio River to the north and the Tradewater River to the northeast. The town of Marion, developed in a region rich in fluorspar, once claimed the title, "the fluorspar capital of the world."

Marion would like to retain this piece of its history by creating a museum to house a mineral collection that has been touted as one of the finest in the United States. There are also hopes of installing antique lights and a bandstand to enhance the small-town charm of Marion.

Marion is also home to a thriving Amish community which has grown from a settlement of 10 families in 1977

to more than 50 in 1992.

Crittenden County is not only home to diverse lifestyles, but to varied political beliefs as well. The county once was home to two U.S. Senators; Republican William Joseph Deboe, 1897-1903, and Democrat Ollie M. James, 1913-1918. For a time they lived across the street from each other.

I salute Marion. It is a town full of hardworking people filled with traditional values. It is this proud spirit which ensures a bright future for Mar-

ion and its citizens.

Mr. President, I would like the following article from the Louisville Courier-Journal to be submitted into the CONGRESSIONAL RECORD.

The article follows:

MARION

(By Mark Schaver)

On the first trip around the town square, it's hard to see what's so special about Marion.

The Crittenden County Courthouse built, in the 1960s, has an anonymous, institutional look about it. There's an American flag flanping in the breeze, a monument to veterans of past wars and old men lounging on a bench at the corner. Across the street there's a dark space where the City Drugstore once thrived.

At first glance, it looks like dozens of other small Kentucky towns. If you poke a bit longer, however, you'll find a town that, in its own quiet way, has its share of unusual qualities.

Take the county jail, for example. In the eyes of a representative sample of the nation's jail clientele, the Crittenden County jail is the eighth best in the United States, according to Playboy magazine. That's the same jail the state says is inadequate and wants shut down, much to the irritation of the county magistrates.

Down the road is an Amish community that seems to have grown every year since it. was founded 15 years ago. And nearby, crossing the Ohio River, is a car ferry that is one

of the last of its kind.

Marion is one of the few places in heavily Democratic Western Kentucky where they don't look at you funny if you declare yourself a Republican. It's also the town, local residents remind you, that was once "the fluorspar capital of the world."

And it's one of the few towns that still has

a drive-in movie theater.

It's a town that many love and a few want to leave. But it's mostly the young who are leaving.

"There's nothing to do here," said 24-yearold Jerry Pruitt, who was sitting in front of the courthouse with a friend late one afternoon. "You got one arcade, and most of the time it ain't even open. It's more or less an old people's place.

Pruitt talks of moving north to Michigan to find work, joining an exodus that is nothing new. Many who left after World War II to work in the factories of Detroit, Chicago and Gary, Ind., are just now returning to retire.

Many were driven out by the collapse of the fluorspar industry, which at one time seemed to employ just about everyone in the country. Those jobs petered out in the 1970s, a victim of competition from the cheap labor found in places like Mexico and South Afri-

Some think that's just as well. The underground mines first opened in the early 1800s. and for most of their history they were unregulated and death was common. Even today many old men in the county are crippled by psylicosis caused by breathing the dust stirred up while digging for the crystal. They call their disease "white lung," the mirror image of the "black lung" suffered by coal miners.

Crittenden County was claimed to be the world's largest producer of fluorspar, which locals call "spar." It is used to make steel, ceramics, glass and enamel. The county now wants to capitalize on its legacy by creating a museum to house a mineral collection gathered by the late Ben E. Clement, a Crittenden County geologist. Geologists say

it is one of the finest collections of its kind in the United States.

The county has received a grant from the state to help develop the museum. It will be housed next door to Fohs Hall, a majestic building that also owes its existence to the mining industry. It was built in the 1920s by Julius Fohs, a mining engineer from Crittenden County who made a fortune in the oil industry after moving on to Oklahoma and Texas. Fohs gave the building to Marion as a community center, although the town could not afford to keep it up. For most of its life it was used as a school. Now restored, it houses the Chamber of Commerce.

The mineral museum would complement the Ben Wheeler Museum, which is named after its late founder, an insurance agent who had a passion for history and was responsible for many of the roadside markers

found in Western Kentucky.

The building is stuffed with "old things," in the words of curator Evelyn Stalion. She said she finds it impossible to turn down anyone who offers something for display. Thus, you can find everything from an antique French fry cutter to Japanese sandals to a "cow hair ball" the size of a softball. There's also an 1894 edition of Crittenden Press that shows the effusive style of town boosters has changed only slightly in almost 100 years:

"The beauty of her location, the abiding faith of her people, the sterling qualities of her businessmen, the substantial character of her business and public buildings, the beauty of her homes, the purity of her churches, the admirable quality of her schools and civic societies, the healthfulness of the surroundings, the hospitality and generosity of her people, all unite in making Marion one of the most substantial towns in

Southern Kentucky."

Not that Marion is without the problems that plague everywhere else. It suffers from crime. Paul Mick, the publisher of Crittenden Press, for example, was stabbed to death in his house two years ago by a burglar. The burglar later pleaded guilty to the killing and is in prison.

The museum itself has been broken into three times, with thieves taking off with everything from an expensive doll collection to a display of arrowheads donated by a local man who had found them along the Ohio River. "I don't reckon you're safe anywhere anymore," Stallon said. "Do you reckon you are?

Marion is isolated. The only roads leading to it have only two lanes and are curving and sometimes dangerous. Improving them has long been a goal of civic leaders, who say it would make it easier to draw new industry. Another goal is giving people who travel through town on their way to the Land Between the Lakes more reasons to stop. There's talk of installing antique lights and a bandstand to enhance its old-fashioned aura.

The Amish already add to that image. They moved to the county in 1977 from Delaware, attracted by the availability of 2,000 acres in an isolated area. The original 10 families have grown to more than 50, concentrated in the countryside around the crossroads of Mattoon, where an Amish couple operate a country store.

The men wear straw hats, the women white bonnets and old-fashioned dresses. Hand-lettered black and white signs outside their farmhouses offer produce, eggs, furniture and crafts for sale. They ride to town in their distinctive horsedrawn buggies or hitch rides with passing motorists.

The Amish have become a tourist attraction, and each year during the annual American Quilters Society's show in Paducah, the Crittenden County Chamber of Commerce organizes tours to bring busloads of people to see them.

One stop that has never been on that tour is the jail, even though Playboy's poll of convicts put it on their top 10 list. Prisoners praised it because it offers satellite TV, "superb" food and the freedom to order out for pizza. The state, however, says it does not meet regulations and earlier this year ordered that it function as a 96-hour holding facility.

County magistrates took exception to that and have defied the state, arguing that it is too expensive for them to build a new one or shuffle inmates back and forth to another jail.

That same independent spirit may account for the county's tradition of Republicanism. No one seems to be able to offer a definitive explanation for why Crittenden County was dominated by the GOP until recent years, when it has began to lean more Democratic in local elections.

County Judge Executive John May cites the legend that it dates to the Civil War when a troop of Union soldiers who has grown weary of fighting moved to the area because of hilly terrain offered a good place to hide.

County historian Thomas Tucker's theory is that the rich men from the north who owned the fluorspar mines were all Republicans, so miners registered that way to be

sure they would be able to get work. Not only were there the usual political divisions in Marion, but there are also undercurrents of other divisions, social and financial. Charles Ball, a 65-year-old retired coal miner, sees not-so-subtle class distinctions in something as simple as where people prefer to sip coffee. He said bankers, lawyers and other "big shots" prefer The Coffee Shop across the street from the courthouse. Working men, he said, go to Y'alls convenience store or the Druthers fast-food restaurant.

The Industrial Foundation brags about the factory that uses robots to help make electrical switches and the new company that makes high-tech ceramics, but Ball said there are few good jobs available, forcing most people to commute to other counties to find work.

"The people who are in control of this county don't want anything to come in here," Ball said. "If I didn't own a home here, I'd leave, but you can't sell a home unless you give it away."

less you give it away."
Population (1990): Marion, 3,320; Crittenden
County, 9,196.

Per capita income (1990): \$11,157, or \$3,835 below the state average.

Jobs (1990): Manufacturing 566; services, 409; wholesale/retail, 406; state/local government, 340; contract construction, 59; finance/insurance/real estate, 63; transportation/communication utilities, 31.

Big employers: Potter and Brumfield, electrical switches, 400; Crittenden County Hospital, 300. Crittenden County Schools, 185.

Media: Newspaper—The Crittenden Press (weekly); radio—WMUL-AM (country); television—cable available.

Transportation: Air—Sturgis Airport, 19 miles; nearest commercial service, Barkley Regional Airport, Paducah, 50 miles, Highways—U.S. 80 and 641, as well as Ky, 91 and 120 serve Marion. Rail: P & L Inc. under contract with Tradewater Railway Co.; Truck 12 truck lines serve Marion.

Education: Crittenden County Schools, 1,518 students. Night classes are offered by Madisonville Community College.

Topography: Rolling, wooded hills. Marion sits on a plateau that has the highest elevation in the county. It is bound by the Ohio River to the north and the Tradewater River to the northeast.

FAMOUS FACTS AND FIGURES

Crittenden County was home to two U.S. Senators: Republican William Joseph Deboe, 1897-1903, and Democrat Ollie M. James, 1913-1918. For a time they lived across the street from one another in Marion.

Marion has a small, dwindling black population. Here is how a historian of Crittenden County tells their story: "A large number of free black people were citizens of Marion. This was largely due to the fact that most of the county's early landowners did not condone slavery as it was practiced in the deep South, but as sort of an indentured service apprenticeship. After the death of their personal masters, many of the former slaves were freed by provisions of their wills, as is witnessed by the fact that many of the local black people have the same family names as many of the early Crittenden County settlers."

About 11 miles from Marion is one of the last car ferries along the Ohio River. It crosses the river at the end of Ky. 91 to Cave in Rock, III.

The Ben Wheeler Museum has on display the stuffed carcass of what is said to be the "only wolf known to have resided in Crittenden County, Kentucky, in recent times." It was shot and killed in 1970 by Gleaford Easley and is said to be a red wolf. The U.S. Department of Fish and Wildlife is now trying to breed two red wolves—among the last of about 130 believed to be left in the world—at the nearby Land Between the Lakes.

A 1905 fire destroyed much of downtown Marion.

THE BUSH EDUCATION RECORD

• Mr. KERREY. Mr. President, in a recent interview with the New York Times, Mr. Bush spoke to his views on education. There seem to be two basic points that characterize the President's views on education:

First, he holds that the answer to American educational woes lies not with Federal programs, but with local initiative. He typically will, like all politicians, take credit for something that would have occurred without his prodding, by claiming that his administration has been responsible for the burgeoning education reform movement in our Nation's communities.

Frankly, I agree with the President that the critical moment of educational reform comes at the local level: It is when people at the local level demand change, when parents become involved, when teachers challenge the governance of schools and school districts. I have proposed legislation, the Education Capital Fund, S. 2258, to get money directly to local educators, community leaders, and parents who are committed to long-term systemic reform of their schools. For politicians in Washington to take credit for a locally generated reform movement misconstrues the nature of change at the local level. It is also ar-

rogant. We run the risk of being run over by the reform movement because of our inability to provide real assistance.

The second point that comes across in the President's view of education is that not more money, but vouchers and choice or national tests and curriculum standards will make a difference. He has given us ideology and walked away from important Federal obligations to our Nation's families and children. His administration's unbending approach to education reform legislation has prevented this Congress from passing important legislation, S. 2, aimed at assisting the thousands of local educational experiments that are occur-

ring across our country.

Aside from inflexibility, his administration's views in this area have been characterized by a narrowness of vision. Education is more than what goes on in our schools. Today, when we talk about education we cannot do so without mentioning health care, law enforcement, housing, economic opportunity, educational achievement of parents, community facilities such as libraries and art galleries, environ-mental issues such as lead standards, telecommunications, and others. In falling back on lofty goals such as vouchers and choice, the President has failed to provide a broad agenda for helping address the real range of problems that our Nation's youth face. The obstacles faced by our youth differ substantially from those that I or my parents faced. We need to look outside of our suburban neighborhoods and realize that thousands of American children are facing a crisis that will not be solved by vouchers or greater choice. It is time that we speak to the problems of the day.

I ask that the New York Times article be included in the RECORD.

The article follows:

Long Fight for Local Support Hampers Bush on Education

(By Susan Chira)

MEMPHIS.—Four years after George Bush took office proclaiming himself to be the "education President," he can point to few tangible accomplishments that have improved the nation's schools.

But President Bush and his aides do claim credit for starting a movement called America 2000 that they say will force fundamental changes in American education. It has spawned local education reform drives like one here in Memphis and in more than 1,000 other communities across the country.

Memphis is a laboratory for Mr. Bush's contention that the answer to American educational ills lies not with Federal Government programs but with local initiative.

Asked in a recent interview to name his most significant domestic initiatives, the response was: "I think clearly the education initiative," and he pointed specifically to the "many America 2000 communities" across the country.

THE BEDROCK ASSUMPTIONS

His strategy assumes that American schools will be transformed, not with more

money but through vouchers that allow parents to use public funds to pay private school tuitions, through local community efforts like Memphis's, and through the use of innovative new schools as well as national tests

and curriculum standards.

Yet from educators and others on the right and the left come the same complaints that dog Mr. Bush in many other areas of domestic policy as well-that he has articulated lofty conservative principles but has failed to rally the nation behind them or to follow through so his plans are actually put into ac-

"The President has talked a good game," said Elsie Lewis Bailey, principal of Booker T. Washington High School in Memphis and a leading member of the drive to improve the city's schools. "But I can't applaud anything at this point that he has done to make a dif-

ference.

Mrs. Bailey's school stands amid housing projects where students fight daily battles with drugs and death. Washington High is a stark illustration of the policy rift between Mr. Bush and his critics. The President asthat education problems are best sumes solved through a process like the one under way here, in which parents and communities take the responsibility to encourage academic achievement and counter social break-

But many educators believe the ills of American schools require a larger Federal plan a detailed urban agenda and a great deal more money than Mr. Bush shows any

sign of wanting to spend.

These educators say there is little hope that Washington High's students can conquer the poverty and despair that are the blight of so many inner-city lives until the Government also offers broader initiatives to counter the urban ills that so often lead to school failure. Chief among them are drugs, street violence, inadequate health care, glaring inequities between rich and poor school districts and broken families.

At Washington High, Fredderick Dupree, Sharon Page and Kalinda Garner had little trouble listing what their school does not have: a chemistry or biology laboratory, enough athletic equipment, up-to-date text-

"We have a lot of honor students here, and they do want to be somebody,' said Fredderick, who hopes for a career in math, science or medicine, "When you don't have the equipment, it just saddens you."

Even though all three students are excelling in school, in many ways they are exceptions. They watch as their neighbors and classmates struggle and, in some cases, succumb to poverty, teen-age pregnancy, parental neglect and violence.

"From what we see, people are dying every day," Fredderick said. "You don't know day," Fredderick said. when you might go."

VISION: A "SUMMIT" YIELDS NATIONAL GOALS

President Bush gets praise from educators for the first concrete action he took as education President: an "education summit" in Charlottesville, Va., in 1989 at which he and the nation's governors agreed on six broad, national goals. These include making sure all children are healthy and intellectually stimulated enough to start school: catapulting American students from near the bottom among industrialized nations to the top in world math and science achievement; raising the high school graduation rate from about 75 percent to 90 percent; erasing illiteracy and making schools safe and drug-free.

But educators waited nearly two years for clues about how President Bush thought Americans could achieve these goals. Then in March 1991, Mr. Bush appointed Lamar Alexander as Secretary of Education. While Governor of Tennessee, he won praise for trying to improve Tennessee's schools. In Washington, Mr. Alexander quickly drew up

the new education strategy.

The Federal Government has never spent much money on education-it now pays only 6 percent of all public education costs, from kindergarten through high school, a drop of almost 40 percent from the level before President Ronald Reagan took office. But even without a White House pledge of major new spending, most educators welcomed Mr. Bush's emphasis on parental responsibility, local community action and curriculum standards

At the same time, though, critics have attacked Mr. Bush's plan, saying it depends too heavily on model schools while neglecting inner-city issues. In fact, even his advisers concede that Mr. Bush's overall approach to education works best for his core Republican constituency-white, middle-class, sub-

urban families.

"Crisis one is middle-class kids who aren't learning much," said Chester E. Finn Jr., a key architect and still a backer of the Bush policy who is now helping to design a national network of private, for-profit schools organized by Christopher Whittle. "Crisis two is underclass kids for whom not learning much is just one of their problems. The same solutions don't apply to both. It may be that America 2000 over all is better tailored to crisis one, but that's probably two-thirds of American kids."

BEHIND THE VOUCHER PLAN

Still. President Bush and his aides claim to be champions of the poor as well, asserting that their voucher proposal serves that end. Vouchers-allowing parents to take their children out of public schools and use the money that would have been spent on them there to pay private school tuition-is an idea dear to the Republican right wing.

In his current budget proposal, President Bush is asking for \$500 million for vouchers of \$1,000 that families with low or middle incomes could spend each year on public, private or parochial schools. The idea, Mr. Alexander says, is to give poor and middleclass families the same choices in schools

that the well-off already have.

But Mr. Bush's endorsement of vouchers has also drawn vehement and well-organized opposition from those who believe it is nothing less than an attack on the very idea of public schooling. Critics believe it would skim off the best students with the savviest parents for private schools, leaving public schools to teach only the students who are handicapped, disruptive or neglected.

"This is a fundamental mistake, driven by ideological concerns," said Gov. Roy Romer of Colorado, a Democrat who has led the governors' efforts on education improvement and who has worked closely with the White House on education policy. "It's like saying we're going to shock you into change by taking your best students and resources out of

REALITY-NEEDED: CASH AND CONSENSUS

While President Bush and his aides say his greatest legacy will be the long-range education plan, they also point to some increases in spending. The Education Department's budget has increased by 22 percent after inflation during his term, and Federal spending has risen for college tuition grants as well as for math and science programs.

The biggest increases have gone to the Head Start preschool program. During his first campaign President Bush pledged to finance Head Start so all eligible 4-year-olds could take part. He has asked for and got the largest increases in Head Start spending since the program was founded in 1965-the budget has risen by 78 percent since he took office-and he is requesting another 27 percent increase for next year. By the Administration's estimate, this will create enough slots to serve all eligible children for one year, instead of the 60 percent the Administration says it now serves.

But critics say the program has always been designed to serve 3-year-olds as well as 4-year-olds. And so, they add, the program now serves only 28 percent of those eligible.

Mr. Bush's supporters also say the Government has made progress in some other areas of the President's overall education plan. Education specialists in and out of government, using \$5 million in Government money, are drawing up broad standards in several subjects that will lay down what students should know by certain points in their academic careers.

But many of Mr. Bush's key proposals have died in Congress. Democratic majorities have refused to approve vouchers, and there seems to be little chance they will do so soon. Congress has turned down a request for \$500 million to begin operating 535 new showcase schools because Democrats believe that creating such schools will not improve the 110,000 existing public schools.

Even conservative organizations, though they praise the President's ideas, say Mr. Bush has failed to do what leaders must: drum up enough support for his proposals.
"The stuff on paper is great," said Stuart

M. Butler, director of domestic policy studies for the Heritage Foundation. "But there is absolutely no follow-through politically with any of these items. It's a deficiency of the White House in general in the domestic area."

Democratic aides on Capitol Hill who negotiated with the Administration on the President's education proposals say officials essentially gave up on Congress when they realized they would have to compromise. "I think they wanted 100 percent, and when they couldn't get 100 percent, they just sort of walked away from it," said one Democratic Senate aide.

Mr. Alexander, who is normally quite genial, stiffens when he hears such talk. He tells of deals that fell through when Democratic legislators got pressure from teacher's union leaders and other educators.

'By instinct, I'm a big coalition builder," he said. "Right now, with the current composition and leadership of Congress, it's almost a waste of my time."

Mr. Butler says the President should have

joined the battle himself.

"There's a very stark alternative—Lyndon Johnson," Mr. Butler said. "He put the polit-ical finger on people and said, "These people are holding up a solution to these problems."

COMMITMENT IN MEMPHIS

Mr. Bush's defenders say the view from Washington is skewed, because the real results of his policies can be seen in places like Memphis.

As for the Bush plan, Mr. Finn said, seems to me in a year's time to have done much of what it was intended to do. It's had a consciousness-raising effect, a catalytic effect on a lot of states and communities to at least take the pledge."

At the same time, he added, "I don't know how much of an effect it's had so far on real

By the Education Department's count, 44 states and 1,200 communities have agreed to draw up plans to improve their schools. Mr. Alexander says this is the vanguard of a 'populist crusade' that will transform public education.

Others are more skeptical. Albert Shanker, president of the American Federation of Teachers, dismisses all of it as a "dog and pony show," a series of pep rallies that cost nothing but make people feel as if they are

doing something.

Memphis shows both the possibilities and the limits of this approach. A bipartisan. multiracial coalition of 850 local leaders and citizens is analyzing what ails the city's schools and how to change them. Many, like Mrs. Bailey, refused to join unless the effort specifically repudiated the Bush voucher plan. They got that assurance and hope to have a final plan this fall.

Everyone who has worked on "Memphis 2000" praises it as serious and broadbased. The question is whether the well-meaning ef-

fort will actually improve the schools.

Mayor Willie Herenton, who served as Memphis's superintendent of schools for 12 years and was an early skeptic, said his test will be whether this coalition calls for higher taxes for education. Memphis spends \$3,568 per pupil, well below the national average of \$5,237. And leaders of the Memphis drive say they now have a powerful new coalition that would campaign for more money if the

schools adopt the changes they want. In Washington, Mr. Alexander has made no estimates or promises, other than to say that more money might come from the Federal Government if the America 2000 commu-

nities can present a good case.

PROSPECTS: WHAT INVESTMENT BEYOND MONEY? In the end, the judgment on Mr. Bush's education record will rest on how to define what an education President should do.

Many educators believe part of the answer

is more money. But President Bush has consistently denounced spending more on a system he sees as flawed.

"Putting money first—we did all that in the 1980's, and it didn't work," Mr. Alexander

Overall spending on education at all levels of government has actually risen 33 percent in inflation-adjusted terms over the last decwithout dramatic improvements in American schools. But as the Federal share of that spending has shrunk, other cuts in Federal aid to cities and states for social programs have also left them less able to pay for education.

Mr. Bush claims that a President should provide leadership, not money. He does win wide praise for trying to shake Americans from their complacency, issuing a long-overdue call to parents and local communities to

take their share of responsibility.

But others say vigorous leadership in education demands much more than President Bush has given. An education President, they say, should urge voters to approve local bond issues or new taxes if schools present a convincing reform plan. And they add that the crisis in American education demands a bolder, more ambitious Federal plan.

"I believe so much in the need to go to grass-roots America," said Governor Romer. 'But it doesn't do anything for people to go out and get them all ginned up and then give them no design to proceed. There's not enough substance to it. You need to have a President out talking not about those generalities, but who's going to pay for what and who's going to do each piece of it, what's our time line and our priority, and I want to put that above a Sea Wolf and a bomber.

Critics as far apart politically as Governor Romer and Mr. Butler of the Heritage Foundation say that President Bush comes up short partly because he seems unable to galvanize the electorate the way Ronald Reagan

But his defenders say Mr. Bush just isn't being heard.

"If anyone will listen to President Bush on education," Mr. Alexander said, "he has a wonderful vision.".

ANNOUNCING COSPONSORSHIP OF S. 2387 THE EVERY FIFTH CHILD

· Mr. DURENBERGER. Mr. President, I rise today to announce my cosponsorship of S. 2387, the Every Fifth Child

S. 2387 was introduced by my distinguished colleague from Vermont, Senator LEAHY, on March 24, 1992. A number of our colleagues-including our distinguished minority leader, Senator DOLE, have also signed on as cospon-

This measure would fully fund the Special Supplemental Food Program [WIC], the Head Start Program, and the Job Corps Program to authorized levels by transferring funds from areas

of the budget.

As this bill's title implies, approximately every fifth child in the United States lives in poverty. Children, who also account for 15 percent of all homeless Americans, are the fastest growing segment of this population. In Minnesota, the poverty rate for children between ages 5 and 17, while lower than the national average, has climbed to 18 percent.

Mr. President, the programs targeted for increases by this bill have proven to be successful and worthwhile investments of public funds in dealing with child poverty, nutrition, and joblessness. That's why in my nearly 14 years as a Senator, I have consistently supported both programmatic improvements and increased funding levels for all three of these programs.

Since its inception in 1965, Head Start has served over 12 million low-income preschoolers and their families. Not only does this extremely effective program prepare young children for school by teaching them a variety of necessary learning skills, but it provides medical and social services for children and teaches proper nutrition to entire families. Researchers estimate that for every dollar spent on Head Start, the Federal Government saves \$4 in future benefits.

Head Start has continued to see significant increases in its funding levels over the last couple of years. For the coming year, the Bush administration has requested \$2.8 billion for Head Start, an increase of \$600 million over fiscal year 1992. This represents the largest 1-year increase in the program's history. In fact, since 1989, the Federal commitment to Head Start has

more than doubled-increasing by nearly \$1.6 billion, and allowing for 779,000 children to be served next year.

The WIC Program provides nutritious supplemental foods to low-income pregnant. postpartum, and breastfeeding women and to children up to age 5 who are determined to be at nutritional risk. Recipients also receive nutrition education, advice and assistance on the importance of breastfeeding, and referrals to the health care system. A Department of Agriculture study found that for every dollar invested in WIC, up to \$4 is saved by the Federal Government.

WIC, too, has seen consistent increases in its funding levels in recent years. For the coming year, the President's budget requests \$2.84 billion, an increase of \$237 million over last year. This request will support increased average monthly participation totaling 5.4 million families. In addition, I recently cosponsored an amendment to the fiscal year 1993 budget resolution which recommended funding levels that would allow Congress to remain on a 5-year path to reach full funding by fiscal year 1996.

The Job Corps is a major training and unemployment program designed to alleviate the severe unemployment problems faced by disadvantaged youth throughout the United States. The services provided include basic education, vocational skills training, work experience, counseling, health care and related support services. For the coming year, the President's budget re-

quests \$909.5 million.

Mr. President, I realize that the Job Corps is one of many current and proposed programs that have workplace readiness as their goal. It's been a good program in the past and it deserves our present and future support. I am especially pleased that one of the Nation's best Job Corps centers-named after the late Senator Hubert H. Humphrey-is located in my State.

But, I would also hope, Mr. President, that as we expand funding for Job Corps we carefully consider how to best coordinate and integrate a number of other current and proposed efforts to

improve job skills.

There is growing interest, for example, Mr. President, in the role of apprenticeships, of service corps and other forms of national service, of changes and improvements in the Job Training and Partnership Act, in continuing the efforts we have made to use welfare programs to increase economic independence, and in placing more emphasis on outcomes in higher education-including better monitoring of job placement and retention for graduates of public and private trade schools, colleges, and universities.

All of these efforts need to be done in concert, Mr. President. As a member of the Senate Labor and Human Resources Committee, I look forward to working with my colleagues to make sure that important goal is realized.

While I fully and wholeheartedly support these programs, Mr. President, I must also say I have severe concerns and reservations about this bill's funding expectations, especially its efforts to tear down the firewalls established in the 1991 deficit reduction agreement.

Under this agreement, which covers the budget process from 1991 to 1996, Congress agreed to significantly reduce the defense budget and dedicate the savings to reducing the deficit. The agreement establishes three distinct budget categories of defense, foreign operations, and nondefense discretionary, which ensure that no moneys will be transferred between any of these accounts. It was my firm belief then, and it remains my belief today, that this minimal fiscal discipline is absolutely essential to our future economic security.

It is important to note that the United States will spend 10 times as much on interest on the national debt this year as it will in all of the educational accounts of the Federal level. Even if we were to eliminate all defense spending next fiscal year—every soldier, sailor, marine, airman, ship, plane, tank, missile, rifle, and bullet—we would still need to borrow \$63 billion to cover the deficit.

That money, Mr. President, will come from our children and grand-children. We cannot continue to borrow from the future to pay for our current consumption. At our present rate of increasing deficits, there will shortly come a time when as little as 5 percent of the budget will be available for discretionary spending—including such important programs as WIC, Head Start, education, and numerous other investments in this country's future.

In this respect, deficit reduction is just as vital an investment in our children's future as direct program expenditures. I believe the notion of national security and public service involves preserving our posterity—and I intend to see that the needs of future generations are met by deficit reduction.

So, while I have cosponsored this legislation, I cannot emphasize enough the need to address our growing national debt, as well as the funding expectations of this bill.

At the same time, I believe, that this legislation establishes the right priorities. And, I look forward to working with my colleagues on both sides of the aisle and to create an environment in which we can work together on these and other pressing human needs in a fiscally responsible manner.

NATIONAL YOUTH SPORTS PRO-GRAM AT NORTHERN ARIZONA UNIVERSITY

• Mr. DECONCINI. Mr. President, this summer, for the first time ever, North-

ern Arizona University [NAU] offered the National Youth Sports Program [NYSP] to 250 at-risk youngsters in the Flagstaff, AZ, area. From June 8 through July 10, these young people participated in a variety of sports, including swimming, volleyball, softball, soccer, basketball, and tennis. For 5 weeks they received career counseling, health and nutrition information, and intense instruction in drug and alcohol abuse prevention.

They received free meals, courtesy of the U.S. Department of Agriculture, and free medical exams from local physicians and nurses who generously donated their time. Dr. Julie Padgett, NYSP program director at NAU, and Dr. Eugene Hughes, president of the university, put in long hours of outstanding work to offer a first-rate program in building self-esteem and offering hope.

The National Youth Sports Program was created 24 years ago as a response to the Los Angeles riots of the 1960's. The program targets disadvantaged boys and girls, ages 10-16, and brings them to college campuses across the country. Last year the NYSP reached 65,000 youngsters on 139 college campuses in 122 U.S. cities. This year, 25 new institutions, including NAU, will bring the program to over 6,200 additional kids. For many of these young people, the NYSP offers "The Right Start" and the motivation to continue with their education.

Mr. President, day after day, we hear that America is not doing enough for its children. Every day 4,000 kids drop out of school. Every year 1 million teenage girls in this country become pregnant. Half of all our students try illicit drugs before they graduate from high school. And now the FBI has issued a report which finds that young people under the age of 18 accounted for more than one-tenth of all arrests for murder and manslaughter in 1989. They accounted for more than one-fifth of all arrests for robbery and almost one-third of all burglary arrests.

Two years ago there was a survey conducted in my home State of Arizona, which found that over 5,000 gang members had been identified by Arizona law enforcement agencies. Even more disturbing is the fact that according to that survey, 11,000 Arizona high school students expressed an interest in joining a gang. This means that there are 11,000 potential gang members in Arizona high schools alone. That figure becomes more alarming when you consider that the survey does not account for high-risk youth who have already dropped out of school.

As a nation, we can continue to talk about the problem, or we can move toward a solution. And one of the things we can do is to try to reach those 11,000 children who have not yet crossed the line. The National Youth Sports Program reaches out to those kids at

risk—and it is a program that works. Just ask the 250 enthusiastic youngsters who spent 5 weeks of their summer at NAU. Recently, I had the opportunity to speak to several of those boys and girls, and I got the distinct impression that for many this had been the experience of their young lives, an experience that many intend to repeat next summer.

TRIBUTE TO STANHOPE BAYNE-JONES

• Mr. JOHNSTON. Mr. President, war and healing is the life story of Louisiana-born Stanhope Bayne-Jones-one of the pivotal figures in modern American medicine. The grandson of the famed Confederate surgeon, Joseph Jones, Bayne-Jones knew from childhood that, for him, medicine would be the inevitable calling. He had the brains, initiative, and luck to begin his career at the very top, by graduating first in his class at Johns Hopkins Medical School. And he went on to become the dean of Yale's Medical School and head of one of this Nation's premier cancer-fighting foundations, in a time when Fortune magazine called that disease the Great Darkness because so little was known of it, and so few researchers were yet involved in unravelling its mysteries.

But Bayne-Jones was also a patriot. who contributed immeasurably to this Nation by taking his medical skills to war. In World War I he served in frontline hospitals, first in the British and then in the American Army. Declaring that his aim was to "serve the men where they needed him most," he refused transfers to safe rear area hospitals in order to stay in the frontlines. Paul de Kruif called him a strange opposite of a slacker, who took a doughboy's chances. Yet the medals he won from three allied nations-the United States, England, and France—proved to be only a foundation for his contributions in World War II. He had gained experience in war, secured the respect of military men, and gained rank that he preserved during the years of his civilian career through his membership in the Army Medical Corps Reserve.

In World War II, Bayne-Jones was able to act on a worldwide field. He became the Army's contact with the vast civilian medical research establishment. He personally directed a worldwide fight against typhus fever, then a dread disease of wartime that had killed at least 3 million people in Europe after World War I. He embodied the medical ideal of saving human life without respect to which side a person may be on, for his Typhus Commission did some of its best work among Italian, German, and Japanese people after the Axis surrender made the American Government responsible for their wellbeing. It was this service that cause a high official of the Surgeon General's

Office to declare that Bayne-Jones "saved more lives than any doctor I ever knew or heard of."

The return of peace quickly led Bayne-Jones into policymaking positions in American medicine. He headed the New York Hospital-Cornell Medical Center in New York. He directed medical research and development for the Surgeon General of the Army. He continued his long fight against cancer through the Surgeon General's Commission on Smoking and Health. At the same time, he never lost contact with his roots in Louisiana, turning in endless unpaid service to Tulane University, with which his family has been identified since the days of Joseph Jones. It is only fitting that the hospital at Fort Polk, LA, is named for him, and that a professorship at Johns Hopkins bears his name. I can only hope that this fine new biography will make Stanhope Bayne-Jones more familiar to the general public, for he was a true benefactor of humanity.

COMMEMORATION OF A MUSICAL MASTER

• Mr. D'AMATO. Mr. President I rise today to commemorate an American music legend, Francis "Frank" Johnson on the 200th anniversary of his birth in Philadelphia. The long-overdue and much deserved recognition for his talent and contributions to America's musical life is finally coming to pass this year due to the efforts of the members of Parallelodrome. Their efforts have focused greater public awareness on the life-work of America's first native-born master of music (1792-1844). It is my hope that Frank Johnson, the man and his music, live on in all of our hearts and minds and souls for all ages.

Born in 1792 in Philadelphia, Frank Johnson, a renowned trumpeter, composer, and band leader, became one of the most celebrated personages of our Nation during the first half of the 19th century. He was highly sought after for his talents as a musician and his Cottllion Band played at fashionable parties and dances until they were formally engaged to play the Congress Hall Hotel in Saratoga Springs, NY in 1821. From 1821 to 1843, Johnson's Cotillion Band played at both Congress Hall and the United States Hotel in upstate New York.

Having knowledge and skills acquired by his own exertions, without formal instruction, Francis Johnson became an incomparable virtuoso violinist, flutist, hornist, natural and keyed (Kent) bugler. He became a master composer, arranger, and orchestrator of music; a music educator and a publisher of music; an accomplished equestrian, impresario, gourmet cook, and an astute businessman.

Francis Johnson eked out an illustrious career in music by assuming many musical roles including: coffee-

house performer, cavalry trumpeter, circus bandmaster, featured performer at balls and hops, bandmaster for early volunteer firefighters, bandmaster for the 128th Regiment, and more. In 1837 Francis Johnson took the first band of American musicians, the American Minstrels, to Europe where he met up with Johann Strauss and Philippe Musart. When Johnson returned to the States, he introduced America to the music of these two legends. Leaving a record of accomplishment and attainment that stands unmatched. Francis Johnson died suddenly of a heart attack on April 6, 1844.

Frank Johnson is best remembered as progenitor of the Nation's music of martial ardor, inventor of cotillions, a pioneer, and one of the earliest protagonists of American musical purism. He was a quintessential American musical phenomenon. I ask my colleagues to join me in remembering Francis "Frank" Johnson on the anniversary of his birth and always.

VETERANS GOLDEN AGE GAMES

 Mr. RIEGLE. Mr. President, I rise today in recognition of the 1992 National Veterans Golden Age Games to be held in Ann Arbor and Ypsilanti, MI, from August 10-14, 1992.

The State of Michigan is proud to once again be the host of the national games. This year's theme, "A Celebration of a Lifetime," provides an opportunity for individuals who have distinguished themselves in military service to our country to demonstrate their athletic ability.

Hundreds of veterans, aged 55 and above, from across the country will meet in Michigan to compete in athletic games. Swimming, bicycling, trap and skeet shooting, bowling, frisbee, and billiards are just some of the events awaiting those chosen to compete. In addition to participating in these games, the veterans will also attend workshops and enjoy the fellowship of their comrades. This friendly competition motivates veterans to stay active, healthy, and fit into their senior years.

On behalf of the citizens of the State of Michigan, I welcome this year's athletes. The opportunity to share in the excitement and sportsmanship of this competition will provide a week of cherished memories.

Mr. President, in this year of the Olympics, it is fitting that the veterans who have served the United States so well also have an opportunity to come together through sports to enjoy the companionship of their fellow veterans. All of those who are responsible for making the Sixth Annual National Veterans Golden Age Games a reality—the coaches, volunteers, corporate sponsors, and the many VA employees—deserve our applause and support.

THE WALLOP-BREAUX FUND OR THE AQUATIC RESOURCES TRUST FUND

• Mr. BREAUX. Mr. President, summer is the time most Americans' thoughts turn to the outdoors, and many families will plan vacations around outdoor recreational activities—camping trips in our national parks and national forests; tours of the countryside in a motorhome, on a bike, or with a backpack; weekends spent boating, fishing and swimming at nearby rivers, lakes, and beaches.

Many Americans don't know that a good number of the boating and fishing areas that they will visit this summer have been newly created and improved with their own money. In Louisiana and across the country, money collected from user fees on boating and fishing equipment and services is reeinvested for people to continue to

enjoy aquatic sports.

I am proud to say that legislation authored by me and Senator MALCOLM WALLOP of Wyoming is the avenue by which boaters and anglers support their sporting activities by paying into the system. Our legislation created the aquatic resources trust fund which is fully funded by user fees paid on sport fishing and boating equipment and services. According to OMB predictions, this fund will have spent roughly \$300 million across the Nation on projects by the end of fiscal year 1992.

In the past 2 years, more than \$3.74 million has been allocated under the Wallop-Breaux program to build, renovate, and maintain boating access facilities and improve access to public waters in Louisiana alone. Every angler understands the importance of conservation and replenishing fish stocks to the continuation of sport fishing without endangering the species. Money paid by Louisiana boaters and sport fishers has been reinvested in producing sport fish for programs to stock public waters in my great State. In addition, a \$222,000 project improving the quality of water and habitat for fishing in the New Orleans City Park lakes was completed last year.

These projects are a small sample of the benefits of the Wallop-Breaux program since its creation in 1984. Anglers and boaters, and all Americans for that matter, need to know that the aquatic resources trust fund is one Federal program that truly works well. Unlike many Federal trust funds that have been running deficits since the 1970's, the aquatic resources trust is fully funded by user fees, and it is used solely for environmental and recreational enhancement across the country.

So far, this user-supported fund has created 1,200 new fishing and boating sites. Thanks to Wallop-Breaux dollars, 39 States now have aquatic resources education programs, where urban kids are learning about the great outdoors.

Since the program began, the States have provided advice to over 21,000 private landowners on how to enhance sport-fish habitats and tripled their annual stocking of sport fish to over 250 million. Wallop-Breaux also has created lakes, restored streams and wetlands, and improved fish habitats across the country.

The aquatic resources trust fund demonstrates what the Federal Government, State governments, the private sector and outdoor-loving Americans can accomplish as a team: real honest-to-goodness progress. It's an example we need to keep in mind as we look for ways to reenergize this great Nation.

STATE AND LOCAL GI BILLS FOR

• Mr. D'AMATO. Mr. President, I am pleased to be an original cosponsor of the Federal Grants for State and Local GI Bills for Children Act. This act will provide \$500 million in new Federal dollars to help States and communities give each child of a middle- and low-income family a \$1,000 annual scholarship that families may spend at any school of their choice.

The education of our Nation's children is a vital national priority. Not only do our chidren deserve the very best education we can provide them; our Nation also depends on a worldclass educational system if it is to remain competitive in an ever more technologically complex world. This bill will serve as a necessary catalyst for improvement and change in our Nation's lagging educational system. What is more important about this bill is that it provides real educational choice to families that previously lacked the means to enjoy such choice. This is an empowerment program that deserves a chance to work.

This act promises to do for elementary and secondary education what its namesake, the post-World War II GI bill, did for higher education in the United States. Not only will it improve the choices available to families in educating their children, but by introducing competition among schools for students it will stimulate an improvement in the quality of education being provided. This act will give middle- and low-income families consumer powerthat is, real dollars—to spend at any school where they choose to send their kids. It will thereby give them a measure of control over their children's future that has previously been denied to them because they did not have the money to pay for it.

This program will allow parents to decide which is the best school for their children, instead of the only school. Schools that do not meet the

quality competition for parent's scholarship dollars will have to improve to meet the competitive challenge. It is no accident that the higher education system in the United States is the best in the world, and that is due in no small part to the healthy competition that was stimulated among colleges and universities as they fought for the GI bill dollars available. Competition is good for business, it is good for institutions of higher education, and it will certainly be good for our elementary and secondary schools. At the college level we have Pell grants, guaranteed student loans, and other forms of Federal and State assistance to promote greater individual choice. Isn't it time to give all chidren—and especially those who are at the most critical stage of their educational careers-a chance to attend the school that best suits their individual needs?

The program proposed by this bill would be a competitive 4-year grant program. Any State or locality would be able to apply for Federal funds to give each child of a middle- or low-income family a \$1,000 annual scholarship. The governmental unit would have to, first, take significant steps to provide a choice of schools to families with schoolchildren in the area; second, permit families to spend the scholarships at a wide variety of public and private schools; and third, allow all lawfully operating schools in the area—public, private, and religious—to participate if they choose. In addition, up to \$500 of the scholarships would be able to be used for other academic programs before and after school, on weekends, and during summer vacations. This added flexibility will allow families to make the best use of the Federal scholarships based on the unique educational requirements of their children.

Mr. President, this bill is important because it gives parents—not governmental bureaucrats—decision making power when it comes to their children's education. The money authorized under this bill will be spent on education, not administration.

Mr. President, I urge my colleagues to support this bill, and I ask for its swift passage. Let's get this bill to the President, who already supports it. Let's not miss this opportunity to make a real difference in the educational futures of all of our Nation's children.

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:20 a.m., Thursday, July 23; that when the Senate reconvenes on Thursday, July 23, the

Journal of proceedings be deemed to have been approved to date, the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired following the second reading of the bills.

I further ask unanimous consent that following time for the two leaders, there then be a period for morning business not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the first 30 minutes of morning business under the control of the majority leader or his designee, with Senators PRYOR, DURENBERGER, GORTON, and SIMPSON recognized for up to 10 minutes each; that at 11 a.m. the Senate resume consideration of S. 2877, the interstate transportation of municipal waste bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:20 A.M. TOMORROW

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I now move that the Senate stand adjourned until 9:20 a.m., Thursday, July 23.

The motion was agreed to, and the Senate, at 9:02 p.m. adjourned until Thursday, July 23, 1992, at 9:20 a.m.

NOMINATIONS

Executive nominations received by the Senate July 22, 1992:

DISTRICT COURT OF GUAM

JOHN S. UNPINGCO, OF GUAM, TO BE JUDGE FOR THE DISTRICT COURT OF GUAM FOR THE TERM OF 10 YEARS VICE CHRISTOBAL C. DUENAS, RESIGNED.

DEPARTMENT OF STATE

GENTA HAWKINS HOLMES, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE, VICE EDWARD JOSEPH PERKINS.

INTERNATIONAL MONETARY FUND

ALAN GREENSPAN, OF NEW YORK, TO BE U.S. ALTERNATE GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF 5 YEARS. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF BRIGADIER GENERAL IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, UNITED STATES CODE, SECTIONS 593, 8218, 8373, AND 8374:

COL. DOUGLAS M. PADGETT, XXX-XX-XX... AIR NATIONAL GUARD OF THE UNITED STATES.

WITHDRAWAL

Executive message transmitted by the President to the Senate on July 22, 1992, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF STATE

DONALD HERMAN ALEXANDER, OF MISSOURI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS, WHICH WAS SENT TO THE SENATE ON MAY 14, 1982.